



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JAN 31 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5966 2540

Mr. Tom Croci, Supervisor
Town of Islip
655 Main Street
Islip, New York 11751

Re: **Administrative Order CWA-02-2013-3019**
Town of Islip Municipal Separate Storm Sewer System
SPDES Permit No. NYR20A172


Dear Supervisor Croci:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the above-named municipality, Town of Islip ("Town"), is in violation of the Clean Water Act (33 U.S.C. §1251 et seq) ("CWA" or "Act") for State Pollutant Discharge Elimination System ("SPDES") violations as described in the findings of this ORDER. Enclosed are two (2) originals of this ORDER, issued pursuant to Section 309 of the Act, which detail the findings. Also enclosed is a copy of the audit report for the July 31, 2012 – August 2, 2012 audit conducted by EPA of the Town's Municipal Separate Storm Sewer System ("MS4").

Please acknowledge receipt of this ORDER on one of the originals and return it to EPA by mail in the enclosed envelope. Failure to comply with the enclosed ORDER may subject the facility to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

If you have any questions regarding this ORDER, please contact Mr. Douglas McKenna, Chief, Water Compliance Branch at (212) 637-4244 or Ms. Katherine Mann, of my staff, at (212) 637-4226.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joe DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC
Bill Spitz, NYSDEC, Region 1
Sara Dorman, Region 1 (electronic)
David Genaway, Commissioner, Dept. of Planning and Development, Town of Islip

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Town of Islip
655 Main Street
Islip, New York 11751

SPDES Permit No. NYR20A172

Proceeding pursuant to Section 309(a) of the
Clean Water Act, 33 U.S.C. §1319(a)

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2013-3019

The following Findings of Violation are made, and Order for Compliance (“Order”) issued, pursuant to Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. §1319(a). This authority has been delegated by the Administrator of the United States Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. Legal Authority

1. Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a), prohibits the discharge of pollutants from a point source into waters of the United States, except in compliance with, *inter alia*, Section 402 of the CWA 33 U.S.C. §1342.
2. Section 402 of the CWA, 33 U.S.C. §1342, provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to that Section.
3. Section 402 of the CWA, 33 U.S.C. §1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation (“NYSDEC”) is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402 of the CWA, 33 U.S.C. §1342. EPA maintains concurrent enforcement authority with authorized States for violations of the CWA. Additionally, under the authority granted to the NYSDEC by the EPA under Section 402(b) of the CWA, 33 U.S.C. §1342(b), a New York State Pollutant Discharge Elimination System (“SPDES”) permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from said facilities from a point source to a navigable water of the United States.

4. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. §1362(5), to include an individual, corporation, partnership, association or municipality.
5. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. §1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. §1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. §1362(7), to include the waters of the United States.
8. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. §1362(12), to include any addition of any pollutant to navigable waters from any point source.
9. "GIS" or "Geographic Information Systems" is defined as a computer system capable of capturing, storing, analyzing, and displaying geographically referenced information; that is, data identified according to location.
10. Section 402(p) of the CWA, 33 U.S.C. §1342(p), sets forth the requirements for the discharge of stormwater, including discharges of stormwater from Municipal Separate Storm Sewer Systems ("MS4s").
11. 40 C.F.R. §122.26(b)(8) defines an MS4 as a "conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by State law)...that discharges into waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works..."
12. 40 C.F.R. §122.26(b)(3) defines "incorporated place," in part, as a city, town, township, or village that is incorporated under the laws of the State in which it is located.
13. 40 C.F.R. §122.26(b)(16)(ii) defines "small municipal separate storm sewer system," in part, as not defined as "large" or "medium" MS4s.
14. Pursuant to 40 C.F.R. §122.32(a)(1), all small MS4s located in an "urbanized area" (as determined by the latest Decennial Census by the Bureau of Census) are regulated small MS4s.

15. 40 C.F.R. §§122.33(a) and (b) require operators of regulated small MS4s to seek authorization to discharge under the applicable NPDES general permit issued by the permitting authority, by submitting a Notice of Intent ("NOI") for coverage under such permit.
16. NYSDEC issued a SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02) on January 8, 2003. The SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems ("Permit") expired on January 8, 2008 and was administratively extended until the Permit was reissued on April 15, 2008 as GP-0-08-002. The Permit was subsequently renewed as GP-0-10-002 on May 1, 2010 and will expire on April 30, 2015.

B. Factual Background

1. The Town of Islip ("Respondent" or "Town") is a municipal corporation chartered under the laws of the State of New York, and as such, the Town of Islip is a "person," as defined in Section 502(5) of the CWA, 33 U.S.C. §1362(5), and 40 C.F.R. §122.2, and is an "incorporated place" as defined in 40 C.F.R. §122.26(b)(3).
2. Respondent owns/operates the MS4 located in the Town of Islip, Suffolk County, New York and is an "owner or operator" within the meaning of 40 C.F.R. §122.2.
3. Respondent's MS4 is a small MS4 located in an urbanized area within the meaning of 40 C.F.R. §122.26(b)(16)(ii) and 40 C.F.R. §122.32(a)(1).
4. An MS4 is a point source within the meaning of Section 502(14) of the CWA, 33 U.S.C. §1362(14).
5. Respondent's MS4 discharges stormwater, a pollutant within the meaning of Section 502(6) of the CWA, 33 U.S.C. §1362(6), to Lake Ronkonkoma, Nicoll's Bay, Great Cove, Green's Creek and Brown's River, waters of the United States within the meaning of 502 of the CWA, 33 U.S.C. §1362, and 40 C.F.R. §122.2, and as such, discharges pollutants within the meaning of Section 502(12) of the CWA, 33 U.S.C. §1362(12).
6. Respondent submitted a NOI signed on April 29, 2003 to NYSDEC and subsequently received coverage under the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02) (Permit No. NYR20A172). Upon expiration of GP-02-02 on January 8, 2008, permit coverage was automatically carried over to the reissued SPDES Permit (GP-0-08-002), which became effective on May 1, 2008 and expired on April 30, 2010. Upon expiration of GP-0-08-002, permit coverage was automatically carried over to the reissued SPDES Permit (GP-0-10-002), which went into effect on May 1, 2010 and will expire on April 30, 2015.
7. EPA, accompanied by NYSDEC, conducted a compliance audit of Respondent's MS4 on July 31, 2012 – August 2, 2012 ("Audit").

8. The NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002), effective on May 1, 2010, was the effective permit at the time of the Audit.

C. Findings of Violation

As described in greater detail in the enclosed Audit Report, during the Audit on July 31, 2012 – August 2, 2012, EPA observed the following violations of Respondent's SPDES Permit (NYR20A172):

1. Part IV.D of the Permit requires all permittees to fully implement their Stormwater Management Program ("SWMP"). In accordance with Part X of the Permit, a SWMP needs to include *measurable goals* for each of the BMPs. In addition, measurable goals are included as required documentation in the Part X definition of the SWMP Plan. At the time of the Audit, the Town failed to develop and include in its 2012 SWMP Plan measurable goals for the following Minimum Control Measures ("MCMs"): MCM 2 - Public Involvement / Participation; MCM 3 - Illicit Discharge Detection and Elimination ("IDDE"); MCM 5 - Post-Construction Stormwater Management; and MCM 6 - Pollution Prevention/Good Housekeeping for Municipal Operations. Therefore, the Town is in violation of Part IV.D of the Permit.
2. In accordance with Part V.C.1 of the Permit, the annual report must be received by the Department's central office no later than June 1st of each reporting year. The Town's annual report has been late the past six (6) years, from 2007 through 2012, in violation of Part V.C.1 of the Permit.
3. In accordance with Part V.C.3.b.iii, and embedded in the reporting requirements for each MCM, covered entities are required to include in the annual report an assessment/evaluation of the identified measurable goals for each of the MCMs. Based on review of the Town's annual reports from 2009 through 2012, the Town frequently reports "N/A" for its measurable goal evaluation or provides the same assessment as the previous year. Selecting and tracking progress towards achieving measurable goals and reporting that progress is required by the Permit. Therefore, the Town is in violation of Part V.C.3.b.iii.
4. In accordance with Part VII.A.2.d of the Permit, covered entities must, prior to submitting the final annual report to the NYSDEC by June 1 of each reporting year, present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. According to Town representatives, the draft annual report is not made available to the public prior to submitting the final annual report and is posted on the internet concurrently with the submittal to NYSDEC, in violation of Part VII.A.2.d of the Permit.
5. In accordance with Part VII.A.3.b.ii of the Permit, by March 9, 2010, all covered entities must develop and maintain a map showing the preliminary boundaries of the covered entity's storm sewersheds have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the covered entity's jurisdiction. At the time of the Audit, the

Town had not mapped its storm sewersheds, in violation of Part VII.A.3.b.ii of the Permit.

6. Part VII.A.3.g of the Permit requires covered entities to develop and implement a program to detect and address non-stormwater discharges to the small MS4. The program must include, but is not limited to, the following: available equipment; procedures for identifying and locating illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions. The Town's SWMP Plan does not include the following information, required of a written IDDE program: available equipment; procedures for identifying and locating the source(s) of illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions. Therefore, the Town is in violation of Part VII.A.3.g of the Permit.
7. Part VII.A.4.a.i of the Permit requires all covered entities to develop, implement and enforce a program that provides equivalent protection to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001) ("Construction General Permit" or "CGP"). At the time of the Audit, the Town's MS4 program did not have a mechanism to ensure that sites requiring CGP coverage submit an NOI and receive acknowledgement from the NYSDEC verifying coverage prior to the start of construction activity, in violation of Part VII.A.4.a.i of the Permit.
8. Part VII.A.4.a.ix of the Permit requires all covered entities to develop, implement and enforce a program that describes procedures for site inspections and enforcement of erosion and sediment control measures, which includes determining that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination ("NOT") to the NYSDEC by performing a final site inspection themselves or by accepting the Qualified Inspector's final inspection certification(s) required by the NYSDEC CGP. The principal executive officer, ranking elected official, or duly authorized representative shall document their determination by signing the "MS4 Acceptance" statement on the NOT. At the time of the Audit, the Town's MS4 program did not contain a mechanism that ensures that the "MS4 Acceptance" statement is signed by a qualified individual on the NOT, in violation of Part VII.A.4.a.ix of the Permit.
9. As required by Parts VII.A.4.a.vii and VII.A.4.a.ix of the Permit, the covered entity must ensure that individuals performing Stormwater Pollution Prevention Plan ("SWPPP") reviews and site inspections are adequately trained and understand the State and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a NYSDEC sponsored or approved training. At the time of the Audit, the Town's MS4 program did not include a mechanism for tracking or documenting training completed by Town Engineering Department SWPPP reviewers and inspectors, in violation of Parts VII.A.4.a.vii and VII.A.4.a.ix of the Permit.
10. As required by Part VII.A.4.b.ii of the Permit, covered entities are required to report on the number and type of enforcement actions at construction sites. Based on review of annual reports and documentation of stop-work orders provided by the Town during the Audit, the annual reports for 2009 and 2010 indicate that zero (0) stop-work orders had been issued, and do not accurately reflect the enforcement activity of the Town during those years, in violation of Part VII.A.4.b.ii of the Permit.

11. As required by Parts VII.A.5.e.iv and VII.A.5.e.v of the Permit, covered entities are required to report on the number and type of post-construction stormwater management practices inspected and maintained. Based on review of the annual reports and discussion with Town representatives during the Audit, the number of post-construction controls inspected and maintained has not been accurately reported, in violation of Parts VII.A.5.e.iv and VII.A.5.e.v of the Permit.
12. Part VII.A.6.a.ii of the Permit requires covered entities to, at a minimum frequency of once every three years, perform and document a self assessment of all municipal operations addressed by the SWMP to:
 - a. Determine the source of pollutants potentially generated by the covered entity's operations *and facilities*; and
 - b. Identify the municipal operations *and facilities* that will be addressed by the pollution prevention and good housekeeping program, if it is not done already.

While the Town performed a self-assessment of its municipal operations in 2010, it did not determine sources of pollution at its municipal facilities, nor did the self-assessment identify facilities that are or will be addressed by the good housekeeping program, in violation of Part VII.A.6.a.ii of the Permit.

13. As required by Part VII.A.6.f.ii of the Permit, the Town must report on the pounds of phosphorus applied in chemical fertilizer, pounds of nitrogen applied in chemical fertilizer, as well as the number of acres of pesticides and herbicides applied. During the Audit, Town representatives stated that pesticides and fertilizers are used on Town golf courses. Based on review of annual reports from 2009 through 2012, the Town reported zero (0) pounds of fertilizer and zero (0) acres of pesticides for 2010 through 2012, which does not reflect actual pesticide and fertilizer use, in violation of Part VII.A.6.f.ii of the Permit.

D. Ordered Provisions

Based on the Findings of Violation set forth above, and pursuant to Section 309(a) of the CWA, 33 U.S.C. §1319(a), Respondent is hereby ORDERED to take the following actions:

1. **Immediately** upon receipt of the original copies of this Order, a responsible official of the Town of Islip shall complete and sign the acknowledgment of receipt of one of the originals of the Order and return said original to Chief, Water Compliance Branch, Division of Enforcement and Compliance Assistance, in the enclosed envelope, to the address listed below, in paragraph D.3.
2. Respondent shall complete the following items in accordance with the schedule listed below:

<u>Item</u>	<u>Completion</u>
i. Develop and submit to EPA and NYSDEC measurable goals for each of the MCMs, as required by Part IV.D of the Permit.	Within sixty (60) days of receipt of this Order
ii. Submit the annual report so that it is received by the NYSDEC's central office no later than June 1 st of each reporting year, as required by Part V.C.1 of the Permit.	Annually, on or before June 1
iii. Include in the annual report an assessment/evaluation of the identified measurable goals for each of the MCMs, as required by Part V.C.3.b.iii of the Permit.	Annually, on or before June 1
iv. Present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report, as required by Part VII.A.2.d of the Permit.	Annually, prior to submitting the final annual report to the NYSDEC by June 1
v. Map, and submit to EPA and NYSDEC, the preliminary boundaries of the storm sewersheds of the Town's urbanized area, and any additionally designated area within the Town's jurisdiction, as required by Part VII.A.3.b.ii of the Permit.	Within sixty (60) days of receipt of this Order
vi. Develop, implement and submit to EPA and NYSDEC a program to detect and address non-stormwater discharges to the Town, as required by Part VII.A.3.g of the Permit. The program must include all elements required by Part VII.A.3.g, including but not limited to the following: available equipment; procedures for identifying and locating the source(s) of illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions.	Within sixty (60) days of receipt of this Order
vii. Develop, implement and submit to EPA and NYSDEC a construction site stormwater program that meets all of the requirements under Part VII.A.4.a of the Permit, including but not limited to the following: a. The construction site stormwater program must provide equivalent protection to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001), as required by Part VII.A.4.a.i of the Permit. As such, the program must contain a mechanism to ensure that construction sites requiring CGP coverage submit an NOI and receive acknowledgement from the NYSDEC verifying coverage prior to the start of construction activity.	Within sixty (60) days of receipt of this Order

<p>b. The construction site stormwater program must ensure that the “MS4 Acceptance” statement is signed by a qualified individual on the NOT, as required by Part VII.A.4.a.ix of the Permit.</p> <p>c. The construction site stormwater program must ensure that individuals performing SWPPP reviews and site inspections are adequately trained and understand the State and local sediment and erosion control requirements, as required by Parts VII.A.4.a.vii and VII.A.4.a.ix of the Permit.</p>	
viii. Accurately report on the number and type of enforcement actions at construction sites in the annual report, as required by Part VII.A.4.b.ii of the Permit.	Annually, on or before June 1
ix. Accurately report on the number and type of post-construction stormwater management practices inspected and maintained in the annual report, as required by Parts VII.A.5.e.iv and VII.A.5.e.v of the Permit.	Annually, on or before June 1
x. Perform, and submit to EPA and NYSDEC, a self assessment of all municipal operations addressed by the SWMP to (1) determine the source of pollutants potentially generated by the Town’s operations and <i>facilities</i> , and (2) identify the municipal operations and <i>facilities</i> that will be addressed by the pollution prevention / good housekeeping program, as required by Part VII.A.6.a.ii of the Permit.	Within sixty (60) days of receipt of this Order
xi. Accurately report on the pounds of phosphorus applied in chemical fertilizer, pounds of nitrogen applied in chemical fertilizer, and the number of acres of pesticides / herbicides applied in the annual report, as required by Part VII.A.6.f.ii of the Permit.	Annually, on or before June 1
xii. Submit to EPA and NYSDEC in writing the actions taken by the Town to address the Areas of Concern and Recommendations in Part 4 of the enclosed Audit Report.	Within sixty (60) days of receipt of this Order

3. All submissions required by this Order shall be sent to:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007

With a copy mailed to:

Bill Spitz, Regional Water Engineer
NYSDEC, Region 1
Division of Water
50 Circle Road
Stony Brook, NY 11790

E. General Provisions

1. Any documents to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 CFR §122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. The Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer, regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 20th floor
New York, NY 10007-1866
(212) 637-4244

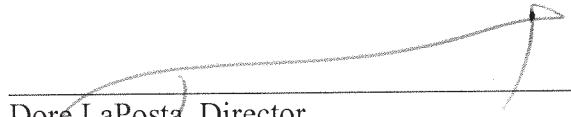
3. Respondent may seek federal judicial review of the CWA Section 309(a)(3) Compliance Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
4. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
5. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each

violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. §1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.

6. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
7. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Date

January 31, 2013



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Town of Islip
655 Main Street
Islip, New York 11751

Respondent

Proceeding pursuant to §309(a) of the Clean Water
Act, 33 U.S.C. §1319(a)

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2013-3019

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an official with the Town of Islip with the title of,

_____, do hereby acknowledge the receipt of a copy of the

ADMINISTRATIVE COMPLIANCE ORDER, Town of Islip, CWA-02-2013-3019.

DATE: _____

SIGNED: _____

**Municipal Separate Storm Sewer System (MS4) Audit
Town of Islip (NYR20A172)
July 31 – August 2, 2012**

Prepared by:

**United States Environmental Protection Agency Region 2
290 Broadway
New York, New York 10007**

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1. INTRODUCTION

On July 31 through August 2, 2012, the United States Environmental Protection Agency (EPA), Region 2, conducted a program evaluation, or Audit, of the Town of Islip (Town) Municipal Separate Storm Sewer System (MS4). EPA is granted the authority to conduct the Audit through 40 CFR 122.41(i). Ms. Katherine Mann of EPA Region 2 conducted the Audit. Ms. Kimberly McEathron, also from EPA Region 2, was present for the Audit. EPA staff was accompanied by Ms. Sara Dorman from New York State Department of Environmental Conservation (NYSDEC), Region 1.

The following Town departments and individuals were present during the Audit and represented the Town of Islip:

Planning & Development (David Genaway, Rich Zapolski, Sean Colgan, David Janover, Vaidotas Bobelis, Stu Sklar and Martin Bailey)
Public Works (Thomas Owens, Bill Clifton, David Franchi, James Mullen and John Hillenbrand)
Parks and Recreation (Joseph Montuori, George Hafele, Edward Smith and Jonathon Stocker)
Environmental Control (Eric Hofmeister)
Public Safety Enforcement (Michael Catalano, John Carney and Gregory Byrne)
Aviation and Transportation – HAZMAT (Michael Delgado)

The purpose of the Audit was to determine the Town's compliance with the terms of its State Pollutant Discharge Elimination System MS4 Permit and to evaluate the current implementation status of the Town's stormwater management program. For the detailed Audit agenda see Attachment A. Prior to conducting the Audit, EPA Region 2 reviewed program materials provided by the Town and NYSDEC (for a list of said materials, see Attachment B). EPA Region 2 was provided with copies of additional program materials during and after the Audit (for a list of said materials, see Attachment C). During the Audit, EPA evaluated the six (6) Minimum Control Measures (MCMs) established by the Permit, specifically, Public Education and Outreach; Public Involvement and Participation; Illicit Discharge, Detection and Elimination; Construction Site Stormwater Runoff Control; Post Construction Stormwater Management; and Pollution Prevention and Good Housekeeping for Municipal Operations. EPA Region 2's Audit included in-field verification of program implementation.

2. HISTORY & BACKGROUND

The State of New York is the delegated permitting and enforcement authority for the National Pollutant Discharge Elimination System (NPDES), or State Pollutant Discharge Elimination System (SPDES), program. NYSDEC is the delegated agency that implements the SPDES program and as such, issued a SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002), which became effective on May 1, 2010 and expires on April 30, 2015 (Permit).

The Town of Islip submitted a Notice of Intent (NOI) signed on April 29, 2003 to NYSDEC and subsequently received Permit coverage under the SPDES General Permit (GP-02-02) (Permit No. NYR20A172) (the acknowledgement letter from NYSDEC is dated May 13, 2003). Former

Permit GP-02-02 became effective January 8, 2003 and expired on January 8, 2008. Permit coverage remained in full force and effect and was automatically carried over upon the reissuance of SPDES General Permit GP-08-002, which became effective on May 1, 2008 and expired on April 30, 2010. Upon expiration, permit coverage was automatically carried over to the current permit, GP-0-10-002, which, again, became effective on May 1, 2010 and expires on April 30, 2015.

3. PROGRAM EVALUATION FINDINGS

A. Evaluation Stormwater Management Program (SWMP), Management Structure and Effectiveness

Based on information provided by Town representatives during the Audit, the Town of Islip is approximately 107 square miles with a population size of approximately 330,000 residents. There are 1,200 miles of Town-dedicated roadway, all of which are maintained by the Town. The Town is located in Suffolk County on Long Island and is bordered by the Town of Smithtown to the north, the Town of Babylon to the west, the Village of Patchogue to the east, and the Great South Bay to the south. The Town of Islip's stormwater collection system is a combination of storm sewers, inlets, catch basins, drywells, recharge basins and outfalls.

Mr. David Genaway, Commissioner of Planning and Development, is the current MS4 contact for the Town. Mr. Genaway has been in this position since January 2011, but he was involved with the development of the MS4 program prior to becoming commissioner. Mr. Genaway and Mr. Sean Colgan, Senior Planner in the Town's Department of Planning and Development, are responsible for the coordination of the Town's MS4 program.

According to the organizational chart provided by the Town (Attachment D) and discussions during the Audit, implementation of the stormwater program is a coordinated effort between the Department of Planning and Development, the Department of Public Works, the Department of Parks and Recreation, the Department of Environmental Control, and the Department of Public Safety & Enforcement. Other programs and agencies that are involved with implementation of certain components of the Stormwater Management Program (SWMP) include Keep Islip Clean (KIC) and the Cornell Cooperative Extension of Suffolk County (CCESC), which are further discussed in Parts 3.B and 3.C of this report, respectively.

There is not a "stormwater committee" that meets on a regular basis in the Town as part of the overall coordination of the MS4 program. Communication and coordination regarding compliance with the MS4 program appears to be strongly encouraged throughout the various Town departments and staff members on an ongoing basis and was demonstrated by Town employees during the Audit. In addition, the Islip Town Environmental Committee (ITEC), which was described by Town representatives during the Audit as both an administrative presence and a funding source, meets on a monthly basis. Although ITEC meetings are not specifically gauged towards the MS4 program, stormwater management is typically a focus of the meetings.

Permitted MS4s within, and separate from, the Town of Islip include Suffolk County, the New York State Department of Transportation (NYSDOT), the Village of Brightwaters, and the Village of Islandia. The Town does not have formal intermunicipal agreements with these MS4s or the additional two (2) incorporated villages within the Town (Ocean Beach and Saltaire) that do not have MS4 permits. The Town does not maintain the roadways or infrastructure of the incorporated villages. Although there is no intermunicipal agreement, Mr. Thomas Owens, Commission of the Department of Public Works, stated that the Town sweeps some of the County roads. According to Mr. Colgan, there are no known interconnections between the Town and neighboring MS4s. The Town maintains the roadways and stormwater infrastructure of twenty-five (25) unincorporated villages within the Town.

According to Mr. Genaway, the Town's SWMP Plan was originally developed in 2004 by two (2) former staff members. The SWPPP was revised in 2008 by the Planning Department's Sean Colgan, and has been revised based on input from the department heads approximately once per year by Mr. Colgan since 2008. The most recent version of the SWMP Plan was updated in 2012. In accordance with the 2003 permit, the Town was required to have fully implemented its SWMP Plan by January 8, 2008. According to Mr. Genaway, the SWMP Plan has been fully implemented with the condition that the Town is continuing to retrofit storm drains based on Planning Department staff availability. The Town's goal is to retrofit two (2) storm drains per year, and the Town is reportedly currently meeting that goal. At the time of the Audit, the SWMP Plan had not yet been updated to reflect changes in the 2010 MS4 Permit. The SWMP Plan is not currently on the Town website, but would be made available for review by the public upon request.

According to Mr. Genaway, there are specific funding sources for different projects related to the MS4 program. The New York State Department of State (NYSDOS) is a large funding source currently involved in at least two (2) capital retrofit projects in Sayville: the Tariff Street and Brook Street leaching pool projects. There are multiple funding sources to leverage grants, including public bonds and capital improvement accounts.

The Town of Islip is not located within a current TMDL watershed listed in Part III.B.2 of the Permit; however, there are impaired waters within the Town to which the Town discharges pollutant of concerns (POCs) specific to each impaired water. As such, the Town must ensure no net increase in its discharge of the listed POCs, in accordance with Part III.B.1 of the Permit. Impaired waters and primary POCs are listed in Appendix 2 of the Permit and include the following for the Town of Islip: Lake Ronkonkoma (pathogens, phosphorus); Nicoll's Bay (pathogens); and Great Cove (pathogens).

In accordance with Part III.B.1 of the Permit, by January 8, 2013, covered entities must assess potential sources of discharge of stormwater POC(s), identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the POC(s). During the Audit, Town representatives stated that the Town has not formally assessed potential sources of POCs but suspect that the high water table and failing septic systems are the largest contributors to POCs entering impaired waters. Dry weather flow monitoring conducted by the Cornell Cooperative Extension of Suffolk County (CCESC) has been used to screen for POCs; however, due to submerged outfall pipes, the CCESC has not observed waste specifically coming from

failing septic systems affecting impaired waters. Further visual or chemical analyses have not yet been conducted by the Town. Town representatives stated that stormwater pollutant reduction measures currently used by the Town include using organic fertilizers at Town facilities to reduce phosphorus loading, and implementing a geese removal program at Town parks to reduce pathogen loading from waterfowl. The Town also created a brochure for homeowners with septic tanks, which is available on the Town website. Some water quality monitoring has been conducted as a part of the Great Cove Watershed Management Plan, a project fronted by the NYSDOS and executed by an outside vendor, Nelsen and Pope. As it relates to evaluating their progress towards addressing POCs, Town representatives stated that Great Cove Watershed Management Plan monitoring results will establish a baseline, which the Town plans to use monitoring water quality in the future.

In addition to the Great Cove Watershed Management Plan, a management plan has also been developed for the Green's Creek / Brown's River watershed. At least fifty (50) percent of the Town (the southern half) is incorporated into one of the two watershed management plans. Town representatives indicated that the majority of the northern half of the Town drains to recharge basins. As with the Great Cove Watershed Management Plan, water quality monitoring has been conducted as part of the Green's Creek / Brown's River Watershed Management Plan in order to establish a baseline. At the time of the Audit, Town representatives were not aware of any biological monitoring had been done specifically to evaluate stormwater quality, both as part or independently of a watershed management plan. The Town has been monitoring the population of its shellfish hatchery and has found that planted shellfish are surviving while natural shellfish are not; however, this trend in declining population has been attributed more so to predators than it has to pollution. The Town is currently engaged in two (2) leaching pool capital improvement projects, both of which are partially funded by the NYSDOS and are priority projects of the Green's Creek / Brown's River Watershed Management Plan to capture direct runoff into Green's Creek.

B. Public Education and Outreach / Public Involvement and Participation (MCMs 1 and 2)

In accordance with Part VII.A.1.a of the Permit, the Town must identify target audiences in its SWMP Plan. The Town's SWMP Plan identifies target audiences based on impaired water bodies, which are also identified in the Town's SWMP Plan. During the Audit, Mr. Colgan stated that the most effected people are targeted first, and that public education and outreach materials have been developed as a result of the watershed management plans. As part of the Green's Creek / Brown's River Watershed Management Plan, a one-time mailing was sent to approximately 2,000 residents titled, "A Resident's Guide to Effective Stewardship of the Green's Creek and Brown's River Watersheds." A similar mailing will be sent to residents in the Great Cove watershed as part of the Great Cove Watershed Management Plan. There is also a South Shore Estuary Reserve (SSER) pamphlet on non-point source pollution (specifically stormwater runoff) and measures residents can take towards "Preserving the Reserve." The SSER pamphlet is placed at Town parks and recreation facilities.

According to Mr. Eric Hofmeister, Commissioner of the Department of Environmental Control, an educational pamphlet on the Stop Throwing Out Pollutants (STOP) program is mailed to

approximately 100,000 households twice a year. In addition to the mailing, newspaper and radio advertisements are run prior to the two (2) STOP days that are held each year. The Town estimates that approximately 1,000 cars participate at each STOP day and keeps track of the number of drums of waste that are filled. Residents can also drop off household hazardous waste to the Town recycling facility Monday through Friday. The STOP pamphlet, as well as the annual recycling calendar, are available on the Town website.

The Town has an annual Earth Day festival, which Town representatives estimate between 3,000 and 5,000 Town residents attend. The Earth Day festival is led by the Town environmental educator, Danielle Wynn, who is a full-time Town employee. Ms. Wynn visits and presents at all school districts within the Town, leads tours of Town facilities, and presents at day camps. Town representatives estimated that Ms. Wynn visits about fifty (50) classrooms a year and conducts twenty (20) tours.

Keep Islip Clean (KIC), which was started around 1990, is a separate entity from the Town but works closely with the Town and school districts in educating the public. KIC has helped organize road, beach and stream clean ups and attends local festivals as an educational resource.

Per the Town Code, pets are not allowed in parks, and the Town has installed roughly 186 signs to inform residents of the restriction. Although Town representatives believed that there were also signs discouraging residents from feeding waterfowl in parks, it was later confirmed that not very many signs had been installed regarding waterfowl.

The Town has placed approximately 1,013 medallions on storm drains south of the Montauk Highway, an area that was targeted because it drains to surface waters. Town representatives stated that they hope that the medallions are generating awareness, but they do not have any measurable data. Sewersheds have not been formally mapped by the Town. Town representatives indicated that much of the data that would be needed to adequately map the sewersheds is readily available to the Town in GIS. It should be noted that the Town has an extensive GIS program that includes, but is not limited to, manholes, catch basins, piping, outfalls and water bodies.

According to Town representatives, there was an annual meeting for solicitation of comments on the SWMP Plan in the past; however, the meeting has been discontinued, as it was not well attended. The Town does attend quarterly watershed management meetings for each watershed management plan it is involved with. In addition, once every few months, ITEC will invite external stakeholders to ITEC meetings, which Town board members attend. Town representatives estimated that approximately 10-15 members of the public attend the Great Cove watershed management meetings, and approximately 30-50 members of the public attend the Green's Creek / Brown's River watershed management meetings. Lastly, Parks Department Commissioner Thomas Owens sits in on the Lake Ronkonkoma Advisory Board, and Mr. Tom Marquardt of the Planning Department attends quarterly SSER council meetings.

Measurable Goals

MCM 1

- Included in current SWMP Plan: Distribute Great Cove Watershed pamphlets to all residents/business within target area.
- Listed in Annual Reports: See table below

Measurable Goals for MCM 1 – Public Education and Outreach

<u>Year Annual Report Submitted</u>	2009	2010	2011	2012
Measurable goal identified in SWMP Plan for reporting period	N/A	Maintain existing # of educational materials	Maintain existing # of educational materials and expand based upon illicit discharge detection results	Same as 2011
Overall effectiveness of MCM and/or progress towards achieving measurable goal	N/A	Goal has been satisfied	No illicit discharges were detected, so no expansion of materials is proposed	Same as 2011
Measurable goal for next reporting cycle?	N/A	Develop materials based off of results of MCM 3	Create brochure for the Great Cove Watershed upon completion of Watershed Management Plan	Same as 2011

MCM 2

- Included in current SWMP Plan: None
- Listed in Annual Reports: See table below

Measurable Goals for MCM 2 – Public Involvement

<u>Year Annual Report Submitted</u>	2009	2010	2011	2012
Measurable goal identified in SWMP Plan for reporting period	N/A	N/A	N/A	Hold final public hearing for Great Cove Watershed Management Plan
Overall effectiveness of MCM and/or progress towards achieving measurable goal	N/A	N/A	N/A	N/A
Measurable goal for next reporting cycle?	N/A	Meet public participation requirements for the Great Cove Watershed Management Plan	N/A	N/A

C. Illicit Discharge Detection and Elimination (MCM 3)

IDDE Ordinance

In accordance with Part VII.A.3.f of the Permit, the Town has an ordinance prohibiting illicit discharges from the MS4. According to the Town's SWMP Plan, the Town passed the Illicit Discharge Detection & Elimination Law using the model language from the NYSDEC on February 26, 2008. The law was certified by Alicia O'Connor, Town Attorney, in 2009. The ordinance can be found in Chapter 43A of the Town Code (Sewers) and is available online. Chapter 43A includes exemptions, found at Chapter 43A-6: Discharge prohibitions; exceptions.

Outfall Mapping

The Town's 2012 annual report indicates that there are 628 outfalls, and the Town's letter in response to EPA's request for information sent prior to the Audit states that additional outfalls have been identified.

During the Audit, Town representatives stated that approximately 620 outfalls were mapped in 2002 but did not include outfalls in Lake Ronkonkoma. Between 2010 and 2011, the CCESC identified between twenty (20) and twenty-five (25) additional outfalls, located in Lake Ronkonkoma as well as other parts of the Town. Over the past three or four years, a private contractor (GPI) has also identified approximately fifty (50) outfalls. At the time of the Audit, Mr. Colgan estimated that there are about 680 mapped outfalls. The outfalls are all named and numbered and are mapped using GIS. Storm sewershed boundaries have not been mapped.

Outfall Inspections

The Town's SWMP Plan states that the Town is currently contracted with the CCESC to monitor the Town's outfalls during dry weather. Each outfall was inspected at least three times during periods of dry weather when it had not rained in at least five (5) days. CCESC tested those outfalls where dry weather flow was deemed the most problematic and provided the results of those tests to the Town, none of which were listed as suspected illicit discharges. Based on the Town's response to EPA's request for information, the contract between the Town and CCESC was closed, as all terms of the agreement have been fulfilled. A copy of the agreement was provided to EPA during the Audit.

During the Audit, Mr. Colgan confirmed that CCESC has been performing dry weather monitoring but that the Town is currently in the process of institutionalizing the IDDE program internally. The Town would retain the CCESC to conduct dry weather monitoring in the future, should the Town find it is unable to meet Permit requirements independently in a timely manner.

Mr. Colgan stated that CCESC waits forty-eight (48) hours after a rain event to conduct dry weather inspections and has access to outfalls both by car and by boat. The Town plans on using the same database as the CCESC to record inspection findings, which documents the following information: observation date; number of visits to outfall; accessibility; presence of dry weather flow; flow amount; color; odor; floatables; vegetative growth; and other comments. Mr. Colgan

also stated that the Harbor Police may be able to provide boats to the Town to inspect outfalls that are inaccessible by land. During the Audit, Town representatives stated that the Town should draft its own written procedures for dry weather monitoring and outfall inspections.

During the Audit, the Town confirmed that the CCESC has conducted sampling at outfalls where two or more dry weather discharges have occurred. Town representatives stated that about sixty (60) outfalls have been sampled and sampling results have shown trace amounts of pollutants. The Town has not suspected or further investigated illicit discharges based on these analyses.

IDDE Investigation and Enforcement

According to the Town's SWMP Plan, procedures for *identifying and locating* illicit discharges include dry weather monitoring conducted by the CCESC; procedures for *eliminating* illicit discharges are to be determined once outfall reconnaissance is completed. Based on annual reporting from 2008 through 2011, the Town detected, confirmed and eliminated twenty-two (22) illicit connections in 2008 and five (5) illicit connections in 2010. Annual reports show that the Town detected, but did not confirm or eliminate, fifty-three (53) illicit connections in 2009 and one (1) in 2011. According to the Town's response to EPA's request for information, which was sent to EPA prior to the Audit, the fifty-three (53) suspected illicit connections in 2009 were confirmed not to be illicit discharges later by a consultant for the Town. Currently, there is one (1) potential illicit discharge that is still being investigated.

To date, the Town has utilized the CCESC and other consultant assistance to inspect outfalls during dry weather and investigate potential illicit discharges. During the Audit, when asked how the Town plans on locating illicit discharges in the future without contractor help, Town representatives stated that Code Enforcement and/or the DPW (someone who was familiar with the area) would be responsible for locating the source of illicit discharges (track down) moving forward. The Town does not own camera equipment that it could use to investigate a potential illicit connection. During the oral portion of the Audit, Town representatives were not aware of any dye testing performed by the Town but stated that the Harbor Police may have used dye testing. DPW representatives later indicated during the field component of the Audit that they had used dye testing to investigate a spill in March 2012.

Mr. Colgan stated that he believed the twenty-two (22) and five (5) illicit discharges confirmed in 2008 and 2010, respectively, came from floor drains and washing machines; however, the Code Enforcement officer, who was not available at the time of the Audit, would be the correct person to ask. Documentation of investigation and elimination of the aforementioned illicit discharges was also not available at the time of the Audit. Copies of the Town's records of illicit discharge investigations and follow-up actions were requested by EPA at the time of the Audit. The potential illicit discharge that is still under investigation was identified by Suffolk County. The outfall, from which there is continuous flow, is located in Bayport in an area reportedly with high groundwater where the Town suspects there are failing septic systems. Mr. Colgan stated that the Town has tried to determine the source and was able to trace the flow back to private property, but no conclusions have been made.

Town representatives stated that the Town's procedures for eliminating confirmed illicit discharges would be to issue a summons or call the NYSDEC to handle enforcement. In the past, when the CCESC has identified potential illicit discharges through dry weather monitoring, it relays its findings to the Planning Department, which then contacts the Public Safety Department. All complaints received by Public Safety / Code Enforcement are input into a database, which the Town uses as its system to track IDDE investigations. According to Town representatives, Code Enforcement is responsible for determining whether complaints regarding illicit discharges are legitimate. Though not specific to the IDDE program, Code Enforcement utilizes written procedures for general enforcement response. A copy of the Code Enforcement Complaint Procedure was provided to EPA at the time of the Audit. The Complaint Procedure rates the Type of complaint from 1 to 3, a "Type 1" complaint requiring the most urgent response and having priority over Type 2 and Type 3 complaints. Although illicit discharges are not included on the response time table included with the Complaint Procedure, Mr. Michael Delgado, Hazardous Materials Coordinator and Division Chief within the Department of Aviation and Transportation, indicated during the Audit that an illicit discharge would be considered a Type 1 priority, requiring immediate response.

The Audit confirmed that the Town has not developed a written program that includes the following: available equipment for investigating potential illicit discharges; procedures for track down; and procedures for eliminating illicit discharges.

Spill Prevention & Response

In response to complaints reporting spills, Public Safety contacts Michael Delgado (HAZMAT), who then contacts appropriate parties based on written guidelines. A copy of the HAZMAT response plan was provided to EPA at the time of the Audit. During the Audit, Mr. Delgado stated that if the spill is a sanitary sewer spill, the Town would contact Suffolk County, who owns and operates the sanitary sewer system. If the spill is an oil spill, the Town would try to contain it and would find the responsible party. Mr. Delgado explained that the Town responds to everything and tries to contain as much as possible, but the Town does not have a budget to pay for clean ups. Responsible parties are brought to court through the Town Code. For any spill that reaches a waterbody, the NYSDEC is contacted. The NYSDEC is also contacted for spills in excess of five (5) gallons to the soil. The Town can track spills through the NYSDEC spill number and through Town-generated incident reports. The Town does not track the number of public calls or complaints specifically reporting spills, as they are kept with all other public complaints.

On-Site Systems

Town representatives estimated that two thirds of the Town is on septic. The Town has not generated any educational or outreach materials for residents on proper maintenance of septic systems; however, Town representatives stated that they believed the County Department of Health may have generated and distributed some outreach materials.

Measurable Goals

- Included in SWMP Plan: None; however, the illicit discharge detected by Suffolk County is identified in the SWMP Plan as currently under investigation.
- Listed in Annual Reports: See table below

Measurable Goals for MCM 3 – IDDE

Year Annual Report Submitted	2009	2010	2011	2012
Measurable goal identified in SWMP Plan for reporting period	N/A	Complete reconnaissance of each outfall for dry weather flow at least once	Complete reconnaissance of all outfalls by beginning of 2011. Provide Code Enforcement with outfalls associated with multiple events of dry weather flow (2 or more)	Same as 2011
Overall effectiveness of MCM and/or progress towards achieving measurable goal	N/A	590 of the outfalls have been monitored for dry weather flow at least once, which is 94%	States reconnaissance completed; no illicit discharges discovered	Same as 2011
Measurable goal for next reporting cycle?	N/A	Complete reconnaissance of all outfalls by beginning of 2011. Provide Code Enforcement with outfalls associated with multiple events of dry weather flow (2 or more)	N/A	Eliminate illicit discharge detected by Suffolk County

Field Component

EPA's outfall reconnaissance was brief due to a rain event that occurred within forty-eight (48) hours of the field portion of the Audit as well as submerged outfalls due to high tide, precluding the potential for valid dry weather monitoring and identification of several outfalls. One (1) potentially unmapped outfall was identified under a bridge on Idle Hour Boulevard between Connetquot Drive and Shore Road. EPA's findings and observations at each outfall are summarized in the table below. Weather conditions at the time of the outfall observations were dry, and weather conditions in the forty-eight (48) hours prior to the outfall observations included trace levels of precipitation on August 1, 2012. Photographs of the outfalls and catch basins observed are included in Attachment E.

EPA Outfall Reconnaissance – Town of Islip

Observed Outfall / Catch Basin	Location description, approximate GPS coordinates	Receiving Waterbody	Notable Observations	Date of Observation
BR02	At the eastern end of Terry Street near the	Browns River	Sheen was observed in water draining from stormwater structure with receding tide (not confirmed	8/1/2012

	intersection of River Road in Sayville, NY (40.729047, -73.07215)		whether structure observed is outfall BR02, or if outfall BR02 is a submerged outfall that extends into the river). Photographs IMG_0705, IMG_0706	
BR13	Near the intersection of River Street and River Road in Sayville, NY (40.730478, -73.073781)	Browns River	Flowing, clear. Photographs IMG_0707, IMG_0708	8/1/2012
San Souci (2)	Middle Road between Foster Avenue and Baywood Lane (40.735661, -73.073781)	Browns River	Outfalls not observed; debris identified in catch basin near outfall location on Middle Road. Photograph IMG_0711	8/1/2012
N/A	Catch basin on the north side of Shore Road near the intersection of Idle Hour Boulevard (40.738437, -73.149389)	Connetquot River	Catch basin appeared to drain northwards towards the creek; however, an outfall was not observed (and is not currently mapped). If outfall exists, it was likely submerged at the time of the Audit. Sample of standing water in the catch basin appeared yellowish-brown with a clear presence of organic material. Photographs IMG_0760, IMG_0767, IMG_0768	8/2/2012
Potentially unmapped outfall #1	Located under the bridge on Idle Hour Boulevard between Connetquot Drive and Shore Road (40.738834, -73.149413)	Connetquot River	Partially submerged. May correspond to mapped outfall GC24 but appeared to be located to the west of the mapped outfall. Photographs IMG_0762, IMG_0763	8/2/2012
Unnamed point on provided map near GC24	Located in the side yard of 226 Idle Hour Boulevard (40.738834, -73.149413)	Connetquot River	Intermittent flow; appeared to be a sump pump discharge. Photograph IMG_0769	8/2/2012
Catch basin near CR18	Located on west side of Grassmere Avenue	Connetquot River	Outfall could not be identified, but a catch basin with a pipe that appeared to be draining towards creek was identified near mapped outfall CR18. Photographs IMG_0772, IMG_0773	8/2/2012

Catch basins (2) near outfalls CR15, CR16, CR17	Located on Shore Road at and in between Roxbury Avenue and Riverview Avenue	Connetquot River	Outfalls were submerged at the time of the Audit; catch basins on Shore Road contained heavy organic material. Photographs IMG_0774 – IMG_0777	8/2/2012
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D. Construction and Post Construction Site Stormwater Runoff Control (MCMs 4 and 5)

Construction Site Ordinance

The Town ordinance for Stormwater Management and Erosion and Sediment Control, Chapter 47, was adopted by the Town Board on November 27, 2007. Chapter 47 contains Articles 1 (General Provisions) and 6 (Administration and Enforcement) of the NYSDEC's Sample Local Law for Stormwater Management and Erosion and Sediment Control. The Town ordinance includes inspection requirements, performance guarantees, and Town enforcement authority including penalties, stop work orders and imprisonment. Article 2 (Zoning Law Amendment: Stormwater Control) of the NYSDEC's Sample Local Law is embedded in the Town's Subdivision and Land Development Regulations (SLDR), a detailed document available online and referenced in Chapter 47 of the Town Code. The SLDR was last updated in November, 2007.

Articles 3 and 4 of the NYSDEC's Sample Local Law state that a Stormwater Pollution Prevention Plan (SWPPP) is required for Preliminary Subdivision Plat Approval, Final Subdivision Plat Approval, and Site Plan Approval. Although Articles 3 (Amendment to Subdivision Law) and 4 (Amendment to Site Plan Review Law) were not adopted directly into the Town Code or the SLDR, Part S of the Town's SLDR states that no application for approval of a land development activity shall be reviewed until the appropriate board has received a SWPPP prepared in accordance with the specifications in the SLDR.

Construction Site Inventory

Prior to the Audit, the Town provided EPA with the following list of active construction sites within the Town MS4 greater than one (1) acre:

- (1) Waverly Park, Condominium, 920 Waverly Avenue, Holbrook
- (2) Rubie's Costume, 158 Candlewood Road, Bay Shore
- (3) Long Island MacArthur Airport, Ronkonkoma
- (4) Lincoln Avenue Landfill, Holbrook
- (5) Suffolk Brake Service, 862 Lincoln Avenue, Bohemia
- (6) Chandraden Mohan, 150 E Suffolk Avenue, Central Islip

EPA compared the inventory provided by the Town with active sites listed in the NYSDEC's Notice of Intent (NOI) database for active construction sites, which is available online at <http://www.dec.ny.gov/imsmaps/stormwater/viewer.htm>. Town representatives were not aware of the NYSDEC NOI database at the time the Audit. According to the NYSDEC database, NOIs

had not been submitted for the Waverly Park, Suffolk Brake Service, and Chandraden Mohan sites. During the Audit, Town representatives explained that Suffolk Brake Service, while it has provided the Town with inspection forms for the site, does not have the potential to discharge and therefore does not need a Permit. For the Chandraden Mohan site, Town representatives stated during the Audit that the site had recently resubmitted its plan with additional extensions, and it did not yet have a permit, as there had not yet been any soil disturbance. Lastly, the Waverly Park Condominium site, where there is construction to upgrade the existing sewer treatment plant, was nearing completion at the time of the Audit. Town representatives stated that the site was situated “in a bowl” and was self-contained aside from the construction entrances. Town representatives appeared to believe the site was permitted and thought that the Town had approved the facility’s SWPPP.

There were facilities listed on the NYSDEC’s NOI database as active that were not included in the Town’s inventory of active sites provided to EPA, including the following:

Site Name	Date NOI Submitted	Date of Construction Start
South Shore Mall	6/11/2012	4/15/2012
Fairfield at Holbrook	3/8/2011	3/1/2011
Cortland Square	10/20/2010	11/1/2010

According to Town representatives, construction at the South Shore Mall is limited to internal demolition. The Town inspects the mall approximately twice per year. With respect to the Fairfield at Holbrook site, Town representatives stated that the SWPPP for the site had been approved; however, at the time of the Audit, there was no active construction. The Cortland Square site had been stabilized, and all exterior site work was complete at the time of the Audit.

Town representatives stated during the Audit that the Town does not track whether construction sites have submitted an NOI to obtain Permit coverage.

The Town maintains a database linked to GIS of all construction site plan applications and most recently approved plans.

The Town maintains an inventory of post-construction stormwater management practices within the MS4’s jurisdiction and maintenance performed for each.

SWPPP Review

The Town’s SWMP Plan states the following: “SWPPP reviewers are trained as appropriate materials and workshops are made available. SWPPPs and associated site plan and subdivision applications are formally approved with the SWPPP Acceptance Form, which must be submitted to the construction site owner/ operator, which notifies that plans have been accepted.”

During the Audit, Engineering Department representatives explained that for new projects, the Town will advise the developer to present the appropriate application and control measures that they will be implementing. Mr. Martin Bailey, a site inspector in the Town’s Engineering Department, stated that when the Town receives an application, an inspector will conduct a

preliminary inspection of the site prior to the Department's review of the site plan. During a preliminary inspection, Mr. Bailey stated that he takes pictures, marks up the site plan, and fills out an inspection form. A copy of the inspection form used by the Town was provided to EPA at the time of the Audit.

Mr. V.A. Bobelis, Senior Site Plan Reviewer in the Town's Engineering Department, reviews most of the commercial site applications. Ms. Elizabeth Anderson, who was not present at the time of the Audit, reportedly reviews single family residential development applications, in addition to her involvement with the planning board. Mr. Bobelis stated that he has taken the Certified Professional in Erosion and Sediment Control (CPESC) review class, but has not yet received CPESC certification. According to Mr. Bobelis, most applicants provide reviewable documents with their first submittal, and any comments on the initial submittal are transmitted to the applicant along with a list of document requirements. Mr. Bobelis stated that the application and supporting documents should conform to the specifications in the Town's SLDR. At the time of the Audit, Engineering Department representatives stated that SWPPP reviewers utilize a boilerplate site plan checklist. While there is a site plan checklist in Appendix B of the Town's SLDR, an updated checklist was provided to EPA at the time of the Audit.

During the Audit, it was confirmed that the Town utilizes the "MS4 Acceptance Form" created by the NYSDEC when notifying the site developers that their plans have been accepted, as indicated in the SWMP Plan and as required by the Permit. Mr. Bobelis stated that applications are retained at the Engineering Department office. Once an application is approved, prior submittals are thrown out and the final plan is kept. The Town maintains a database of all site plan applications. The database shows the last approved plan and is linked to GIS.

The Town does not verify whether proper submissions have been made by the project applicant to the NYSDEC, including whether the applicant has submitted an NOI to gain coverage under the Construction General Permit, for those sites with land disturbance equal to or greater than one (1) acre and which discharge to a water of the United States.

Construction Site and Post-Construction Inspections

Chapter 47 of the Town Code requires the construction site applicant to notify the Engineering Department at least forty-eight (48) hours prior to the start of construction activities and completion of final landscaping, amongst additional milestones throughout the construction process, for the purpose of the Town conducting an inspection prior to, during and after these milestones. The notification and inspection requirements in the Town Code mirror those included in the NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control.

The Town Engineering Department has three (3) designated erosion and sediment control inspectors in addition to Mr. David Janover, P.E., Town Engineer, who also conducts inspections: Mr. Martin Bailey, Mr. Stuart Sklar, and Mr. Harold Sundin.

According to the SWMP Plan, "Engineering inspectors review all priority sites, namely those near surface waters, have significant topography, and/or where the disturbance is one acre or

greater. These sites will be reviewed more than others, often daily and sometimes twice daily.” During the Audit, Mr. Bailey explained that Town inspectors try to visit active construction sites every other day and after heavy rain events. Following rain events, a Town inspector will, at minimum, drive by the sites to make sure stormwater BMPs are generally in place. Mr. Bailey confirmed that a Town inspector must be present for certain phases of construction, as specified in Chapter 47 of the Town Code. Mr. Bailey stated that because the Engineering Department receives calls from developers to inspect various phases of construction, Town inspectors must prioritize the sites they get to. Inspectors visit all construction projects, including projects less than one (1) acre and that are not permitted by the NYSDEC; however, permitted sites are a higher priority. Mr. Bailey stated that inspection report forms are only filled out if there is an issue at the site. Inspection reports are filed at the Engineering Department office. After a project is completed, all inspection reports and documentation for the site are scanned and linked to the property on GIS.

Town representatives stated that the Town conducts final inspections so that developers may obtain a certificate of occupancy, but that a final inspection is not conducted specifically for the Town to sign off on the Notice of Termination (NOT) at permitted construction sites.

Based on a GIS query, the Town has 358 inventoried recharge basins. Recharge basins are inspected and maintained by the DPW. While the Town’s SWMP Plan indicates that four (4) recharge basins (sumps) are cleaned of all debris and growth each month, DPW representatives stated during the Audit that 40-50 recharge basins are cleaned each month. DPW representatives explained that the basins are not scraped, but the vegetation is maintained and any debris is removed. Approximately one (1) basin is thoroughly cleaned each month with an excavator. Town representatives stated that inspections and cleaning of recharge basins are not necessary documented unless there is an issue (or cleaning is in response to a complaint). Based on records of complaints provided to EPA at the time of the Audit, sixty-five (65) recharge basins were cleaned out in 2011, and forty-four (44) recharge basins had been cleaned out in 2012 (January through July). According to Town representatives, Vortech filter systems are cleaned out quarterly.

Construction Site Enforcement

Chapter 47 of the Town Code includes enforcement authority mechanisms including penalties, stop work orders and imprisonment.

The Town’s SWMP Plan states the following: “If construction sites are not in compliance with an approved SWPPP, the applicant and developer are notified in writing of the nature of the violation and the required corrective actions and issued a stop-work order... If work continues in violation of the stop-work order, appearance tickets will be issued by the designated enforcement agent and the violator will be prosecuted accordingly.” At the time of the Audit, the Town provided copies of seventeen (17) stop-work orders issued to developers between 2008 and 2012. Town representatives stated that the issuance of stop work orders has been adequate in achieving compliance at construction sites and that they were unaware of any penalties or enforcement actions at construction sites beyond stop-work orders. Copies of stop-work orders are provided

to the Code Enforcement Office, which would be responsible for issuance of penalties in the case that they be necessary.

The annual reports for 2009 through 2012 report that zero (0) stop-work orders had been issued and do not accurately reflect the actual enforcement activity of the Town.

Notice of Termination

As previously mentioned, the Town Engineering Department conducts final inspections of all construction sites for certificates of occupancy but does not do final inspections for the purpose of the signing off on an NOT. Accordingly, the Town's SWMP Plan does not include a written procedure for final inspections and signing the MS4 acceptance statement on the NOT.

Training

At the time of the Audit, the Town representatives stated that they do not provide training to local construction operators but check to make sure they have training and ask them to get the required training if they do not have it. Town representatives indicated that most construction operators are willing to comply. The Town helps to educate construction operators by informing operators of the requirement to have a SWPPP upon the receipt of an application and by providing a SWPPP checklist online. Engineering Department staff is also available to meet with applicants to clarify SWPPP requirements if necessary.

Town inspectors are trained as workshops and trainings are made available. David Janover and Martin Bailey of the Engineering Department have completed the NYSDEC Erosion and Sediment Control training and have the associated certification. Town representatives stated that they do not formally document or keep track of trainings.

Measurable Goals

MCM 4

- Included in current SWMP Plan: Goals include an increase in frequency of inspections of sites needing SWPPPs, reducing the number of runoff complaints, and reducing the number of enforcement actions.
- Listed in Annual Reports: See table below

Measurable Goals for MCM 4 – Construction

<u>Year Annual Report Submitted</u>	2009	2010	2011	2012
Measurable goal identified in SWMP Plan for reporting period	N/A	N/A	N/A	N/A
Overall effectiveness of MCM and/or progress towards achieving	100% of SWPPPs were reviewed. Approximately 25- 30% of the SWPPPs reviewed were	N/A	N/A	N/A

measurable goal	returned with comments, with modifications reflecting NYS standards.			
Measurable goal for next reporting cycle?	N/A	N/A	N/A	N/A

During the Audit, the Town appeared to be satisfied with its ongoing effort towards achieving the goals listed in the SWMP Plan. Town representatives stated that the Engineering Department conducts approximately 1,400 inspections each year. With regards to complaints, Town representatives stated that about ten (10) percent of the complaints received by the Town are valid, and they are almost always minimal in severity. Based on EPA's review of the stop-work orders issued by the Town from 2008 through the time of the Audit, there were the fewer stop-work orders in 2011 and 2012 (two (2) each year), than there were in 2008 (six (6)), 2009 (three (3)), and 2010 (four (4)). Although the number of stop-work orders is influenced by the number of construction projects for a given year, the Town does have quantifiable data that it can use to measure its progress towards achieving measurable goals and that it can include in its annual reports. During the Audit, Town representatives stated that their inspection filing system could be better, and they would like to convert from paper data to electronic data. Town representatives also indicated that they can review the inspection log to see what times of year are busy and slow, and use that data to see what they can do during slower times, e.g. updating the filing system.

MCM 5

- Included in current SWMP Plan: None
- Listed in Annual Reports: See table below

Measurable Goals for MCM 5 – Post Construction

Year Annual Report Submitted	2009	2010	2011	2012
Measurable goal identified in SWMP Plan for reporting period	N/A	Routine inspection and maintenance of infiltration basins	Drainage upgrades in targeted flood locations. Extensive vactoring of drains and pipes. Creek/stream cleaning of removable debris. Utilization of brine to pre-treat roadways prior to winter storms resulting in less need for road sand. Leveling of roadways during repaving operations	Same as 2011
Overall effectiveness of MCM and/or	During this reporting period, 172 leaching structures were	7% of infiltration basins were inspected and	100% recharge basins inspected; 15% cleaned,	100% recharge basins inspected; 15% cleaned,

progress towards achieving measurable goal	installed to reduce runoff	maintained; approximately 2 per month	maintained; 46% reduction in drainage related complaints from 2010 to 2011	maintained; 46% reduction in drainage related complaints from 2011 to 2012
Measurable goal for next reporting cycle?	N/A	Implementation of a drainage cleaning schedule	Continue drainage cleaning schedule. Continue sweeping all roadways 3 times per year.	Same as 2011

Field Component

During the Audit, EPA visited two (2) permitted construction sites in the Town to assess the Town's implementation of its construction stormwater plan: Rubies II and Briad Development East, LLC (a.k.a. Homerun Hotels). The Homerun Hotels site was not included in the original inventory of active sites provided by the Town, but it was discussed during the Audit. The site is listed as Briad Development in the NOI database with an indication that there is no drainage to the MS4 and that stormwater shall discharge via on-site infiltration to groundwater. Findings and observations from each site are summarized below.

Rubies II

Rubies II is a permitted construction site located on the south side of Candlewood Road between Peck Avenue and Harold Court. The construction entrance is located at the northern end of Inez Drive on the south side of the construction site. This construction project is approximately ten (10) acres total with 7.5 – 8 acres cleared. Town representatives stated that the construction site notified the MS4 that they would be disturbing more than five (5) acres at a time. Stormwater discharges from the site to a catch basin on Candlewood Road, which drains to a recharge basin. At the time of the Audit, EPA observed land disturbance on the south side of the site, near Inez Road and further away from Candlewood Road. No catch basins were identified immediately adjacent to the site on Inez Road.

Silt fencing appeared to be in place around the perimeter of the site. The tracking pad from the site onto Inez Road was in place and was in need of minor maintenance, as some dirt tracking was identified leaving the site. EPA reviewed the NOI and the NYSDEC acknowledgement letter, dated July 3, 2012, as well as the SWPPP and weekly inspection reports. The site engineer, Gino Tedesco, was in charge of conducting inspections at the time of the Audit and reportedly conducted inspections weekly and before major storm events. During the Audit, EPA informed on-site representatives that because there was more than five (5) acres disturbed at the site, biweekly inspections are required, in accordance with the NYSDEC CGP. On-site representatives stated that they would start conducting biweekly inspections in accordance with the Permit requirement.

Mr. Martin Bailey explained that during Town inspections, he reviews the site inspection reports then visually inspects the site, including the tracking pad, silt fencing, and machinery to ensure there are no leaks. If corrective actions are required, they are documented on an inspection report

form. In the case that there are major BMP deficiencies, a letter would be sent to the construction operator. Minor BMP deficiencies are conveyed to the operator verbally.

Homerun Hotels

Homerun Hotels is a permitted construction site located on Carlton Avenue in Central Islip. The site includes approximately 3.46 acres of land disturbance. Stormwater on site is collected onsite in leaching pools, which were all inspected by Mr. Stuart Sklar of the Engineering Department during installation. Mr. Sklar explained that he inspects everything that needs approval and documents his observations with photographs. Mr. Sklar also checks silt fencing and catch basin protection. At the time of the Audit, EPA observed double-thick filter fabric on catch basins both inside and outside of the site, perimeter silt fencing, and a tracking pad at the construction entrance. The on-site representative stated that the tracking pad is refreshed as needed. Both the SWPPP and inspection reports were available for review in the construction trailer.

E. Good Housekeeping and Pollution Prevention (MCM 6)

Inventory and Mapping

According to Town representatives, the Town's stormwater infrastructure, including inlets, catch basins, piping, infiltration basins, and outfalls are named, numbered, and mapped in GIS. The Town is broken down into three (3) districts, which are further broken down into four (4) foreman areas made up of several sectors. Hard copy versions of sector maps are utilized by field staff when performing maintenance activities.

The Town provided EPA with a Town facility list for the purposes of this Audit, which included the following: three (3) highway yards (Bay Shore DPW East and West, Central Islip, and Sayville); seventeen (17) municipal facilities, including the East Islip Shop, Sayville Garage, Islip Resource Recovery, and the Islip Recycling Center; two (2) airports; one (1) composting facility; and seventy-four (74) parks (including beaches and marinas) and recreation centers. The Town's SWMP Plan does not include a list or inventory of Town owned or operated facilities, but it does list municipal operations that contribute or potentially contribute pollutants of concern to the MS4. Town facilities are included in the Town's GIS network. A list of Town parks is also included on the Town's website.

Municipal Operations and Facilities Self-Assessments

According to Town representatives, one (1) Town-wide self assessment of municipal operations was conducted by the DPW on June 18, 2010 in conjunction with the Great Cove Watershed Management Plan. The self assessment identified municipal operations, and for each, specified the following: policy and procedures; staff involved and applicable training; equipment inventory; and inter-department coordination and collaboration. The 2010 self assessment does not specifically identify Town owned and/or operated facilities that contribute or potentially contribute POCs to the MS4. Likewise, the SMWP Plan includes the municipal *operations* identified in the 2010 self assessment but does not list municipal *facilities* that may also be contributing POCs to the MS4. The SWMP Plan does mention certain municipal facilities that

are involved in the municipal operations; however, specific BMPs implemented at municipal *facilities*, e.g. storing fluid drums indoors on pallets at the highway yards, should be included in the SWMP Plan. If stand-alone documents, such as a BMP manual, have been developed for any municipal facility, such documents should be attached to or referenced in the SWMP Plan.

At the time of the Audit, Mr. Bill Clifton, Deputy Commissioner of Public Works, stated that standard operating procedures had not been developed for the purpose of ensuring municipal field staff integrate stormwater quality BMPs into their daily activities; however, Mr. Clifton stated that posters on preventing stormwater pollution are displayed as guidance for municipal field staff. Mr. Clifton provided copies of four (4) different posters, each with stormwater BMPs, developed for the following: streets and drainage maintenance; fleet maintenance; material storage and spill cleanup; and solid waste operations.

Vehicles

According to Town representatives, large vehicles are stored at the highway yards, and remaining Town vehicles are stored at Town recreation yards. The Town utilizes commercial car washes to wash vehicles. No power washing of vehicles is conducted by the Town. Fueling is available at the Bay Shore West, Central Islip, and Sayville highway yards, as well as the airports and golf courses.

Parks

According to Mr. George Hafele, Deputy Commissioner of the Department of Parks, Recreation and Cultural Affairs, there are approximately 108 Town parks. The Town facility inventory provided by the Town prior to the Audit listed sixty-eight (68) parks, while the list of parks on the Town website includes 104. Park supplies are maintained at the Central Islip facility next to the DPW, including stock piles for ball fields. When needed, piles are trucked to the fields and are only kept temporarily until all the material is dispersed. Mr. Hafele stated that the material is typically used quickly and prolonged storage at the fields has not been a problem.

Based on Town GIS data, thirty-six (36) Town parks have restrooms. The Town Parks Department is responsible for cleaning the bathrooms and reportedly uses standard cleaning detergents. According to Mr. Hafele, some of the park bathrooms have floor drains, some are connected to the Suffolk County sewer system, and some drain to cesspools and leaching fields.

Town Code Section 37-22 titled "Animals" states: "No persons owning or being custodian of any animal shall cause or permit such animal to enter the park." Town representatives stated that if residents are caught with pets in Town parks, they would likely be reminded of the ordinance and could be issued a ticket, if necessary. The number of tickets issued to residents for having pets in parks was unknown to Town representatives at the time of the Audit. Town representatives indicated that enforcement of the ordinance prohibiting pets in parks is a problem. Dogs are permitted in marinas for the purpose of transition between land and boat. The Town does not have a pet waste ordinance or an ordinance prohibiting geese feeding. Town representatives stated that the Town contracts a company that uses border collies to help remove geese at its golf courses, Lake Ronkonkoma and at beaches. Town representatives believed there

were a few signs that had been posted at some of the smaller marinas discouraging residents from feeding waterfowl, but the locations of the signs could not be determined at the time of the Audit.

Pesticide, Herbicides and Fertilizers

According to Town representatives, pesticides and fertilizers are used only on the golf courses. Pesticides and fertilizers used on the golf course are stored indoors where they are not exposed to stormwater. The Town has nine (9) employees (3 at each golf course) who are licensed applicators and apply the pesticides and fertilizers at the golf courses. Golf course greens are treated approximately twice per week (fertilizers are applied more regularly than pesticides). The Town can keep track of how much is used through the purchasing department. Annual reports from 2010 through 2012 report that no fertilizers, pesticides or herbicides were applied. In 2009, the Town reported in its annual report the following: 50 pounds phosphorus applied, 670 pounds nitrogen applied, and 1,380 pounds pesticide/herbicide applied. The SWMP Plan currently states that no chemical pesticides are utilized on Town properties, including parks. The SWMP Plan also mentions the development of 'organic lawn care' and the use of natural fertilizer and insect control rather than chemical application.

Catch Basin Cleaning

At the time of the Audit, there were 23,614 catch basins mapped in the Town's GIS, which Town representatives indicated account for approximately 97% of the Town. According to Mr. Clifton, catch basin cleaning is conducted daily and is complaint driven. Three (3) trucks with two (2) men in each operate out of each highway yard. Trucks go to the addresses listed in service orders and clean the entire street. An example service order was provided to EPA at the time of the Audit. In addition to responding to complaints, the DPW field staff also does routine touch ups based on visual inspection. The DPW keeps track of the catch basins cleaned through service orders. Based on records provided to EPA at the time of the Audit, between January 2011 and July 2012, the DPW received 856 complaints. The address where the complaint was generated is identified in the records, as well as the name of the street cleaned. Mr. Clifton stated that the DPW uses complaint data to determine which areas in the Town are collecting the most debris, so that those areas may be targeted in the future.

Based on review of annual reports, the Town inspected and/or cleaned 1,300 catch basins in 2009, 3,000 catch basins in 2010, 800 catch basins in 2011 and 810 catch basins in 2012. It was unclear what caused the variation in the number of catch basins that were inspected and/or cleaned reported by the Town in its annual reports over the years.

According to Mr. Clifton, the Town has nine (9) orange peel grapples (three (3) per highway yard) and two (2) Vactor trucks that are used to clean catch basins. Material removed from catch basins by the orange peels is brought to the nearest highway yard to dry out before it is hauled to the Hauppauge landfill. Vactor truck contents are brought directly to the landfill. The Town tracks the amount of material brought to the landfill, but does not use that data further.

Street Sweeping

According to the Town's submitted annual reports, 4,000 miles of roadway were swept in 2009, 5,000 miles were swept in 2010, 3,300 miles were swept in 2011, and 3,380 miles were swept in 2012. During the Audit, Mr. Clifton stated that the DPW sweeps all Town streets annually. Street sweeping takes place in three (3) phases throughout the year. Mr. Clifton provided copies of sweeping report summaries for 2011 and 2012 (up to date of the Audit). The Town owns twenty (20) wet street sweepers and one (1) dry sweeper. Material collected during street sweeping is brought back to the nearest highway yard to dry before it is taken to the landfill.

Deicing Activities and Salt Storage

The Town utilizes brine mixture and salt/sand application for deicing activities. According to Town representatives, the brine is mixed using a computerized system and is applied to Town roads twenty-four (24) hours before snow events. Town representatives stated that they monitor how much of the brine mixture they are using, by load, as it leaves the highway yard. The application of brine helps reduce the use of the salt/sand mixture (three parts salt to one part sand) on the roadways. There is not a schedule for picking up the material after the snow event has concluded. The material is picked up with street sweeping. There are sand/salt domes at each of the highway yards. Brine mixing facilities are located at the Bay Shore West and Sayville highway yards.

Road Maintenance

According to Mr. Clifton, the Town hires contractors to perform road paving work. During the Audit, Town representatives stated that compliance with stormwater requirements has been folded into the contract language for all outside vendors, including CCESC. At the time of the Audit, pages out of a drainage contract were provided to EPA, which included the following statement: "When the Work Order specifies work to be done under the requirements of a New York State Department of Environmental Conservation permit, the Contractor shall perform, all work in conformance with the permit, at no additional cost to the Town."

Waste Management

According to Town representatives, the Town picks up yard debris (branches, leaves, etc.) but will not pick up grass clippings. Collection dates are provided to Town residents and occur mostly in the fall. Collected material is brought to the Town compost facility, which drains to a recharge basin. Garbage collected within the Town parks is picked up by the Town three (3) times per week and is transferred to the Hauppauge landfill.

According to Mr. Eric Hofmeister, Commissioner of the Department of Environmental Control, household garbage is collected curbside by eleven (11) different private contractors, which serve approximately sixty-two (62) separate and distinct contract bid areas within the Town. A copy of the Town's Solid Waste Collection Contract Bid Package for 2005 through 2010 was provided to EPA at the time of the Audit. Collected household waste is currently transferred to the Hauppauge landfill.

Household hazardous waste and e-waste are collected at the Islip Recycling Center located on Lincoln Avenue in Holbrook, New York. The Recycling Center is open for residential drop-off year round. Mr. Hofmeister stated that residents drop off waste oil daily, and waste oil tanks are pumped out by a private company once per week.

According to Mr. Hofmeister, road kill is taken to the animal shelter located in East Islip, where it is frozen until it can be taken to the crematory located in West Babylon.

Training

The Town's SWMP Plan states that pertinent Town staff members watch a video titled, "Storm Watch – Municipal Stormwater Pollution Prevention," and have access to educational posters of BMPs at various Town facilities. The SWMP Plan does not specify a frequency at which Town staff members watch the video or otherwise receive good housekeeping / pollution prevention training.

During the Audit, Town representatives stated that upon hire, all new employees, whether they are in the field or not, are required to watch the "Storm Watch – Municipal Stormwater Pollution Prevention" video. Employees from both the Department of Environmental Control and the DPW were required to take a quiz following the video. A copy of the quiz was provided to EPA at the time of the Audit. According to Mr. Colgan, Town staff members involved with the construction program are required to watch an additional video specific to stormwater controls at construction sites. The Town does not mandate that employees watch the video(s) more than once. As previously mentioned, educational posters of BMPs are available to Town staff at various Town facilities. Mr. Colgan stated that the Town does not require contract staff to receive training but reiterated that contractors are required to follow MS4 permit requirements per the conditions in the contract.

Annual reports submitted by the Town in 2009 and 2010 list zero (0) stormwater management trainings provided to employees, zero (0) municipal employees trained in the reporting period, and zero (0) percent of municipal employees in relevant positions and departments receive stormwater management training. The 2011 and 2012 annual report list nine (9) stormwater management trainings provided to employees (the last of which, for both reporting periods, is listed as 3/15/2011), ~60 municipal employees trained in the reporting period, and 100 percent of municipal employees in relevant positions and departments receive stormwater management training.

Measurable Goals

- Included in SWMP Plan: None
- Listed in Annual Reports: See table below

Measureable Goals for MCM 6 – Good Housekeeping and Pollution Prevention

Year Annual Report Submitted	2009	2010	2011	2012
Measurable goal	N/A	N/A	Sweep program of	Sweep program of

identified in SWMP Plan for reporting period			1100 miles three times per year; storm drain inspection and reconditioning utilizing vector trucks; rehabilitation of town-owned recharge basins	1200 miles three times per year; storm drain inspection and reconditioning utilizing vector trucks; rehabilitation of town-owned recharge basins
Overall effectiveness of MCM and/or progress towards achieving measurable goal	N/A	N/A	Significant decrease in constituent flood-related complaints	same as 2011
Measurable goal for next reporting cycle?	N/A	Develop and revise sweep schedule, drainage installation schedule, and expansion of brine use	Continued leveling of roadways during repaving to prevent ponding; continue 3 sweeping operations town-wide; continued vector cleaning of catch basins and pipes; building of sand/salt facility; expansion of brine usage to limit sand use during winter months; cont. cleaning of recharge basins	same as 2011

Field Components

During the Audit, EPA visited eight (8) Town of Islip municipal facilities. Findings and observations at each facility is summarized in the paragraphs below.

East Islip Repair Shop

The East Islip Repair Shop is located at 100 Carleton Avenue in East Islip. Mr. Sean Colgan, Mr. Bill Clifton, and Mr. Rich Stenberg, manager of the shop, were present at the time of the site visit. Light vehicle repair work is conducted at this location. During the site visit, EPA identified 55-gallon drums stored indoors on pallets. A spill kit was available in the repair shop. Mr. Stenberg stated that speedy-dry and rags used to clean up drips or spills are put into barrels for an outside company to pick up. Drip pans are utilized in the shop and were observed at the time of the Audit. No floor drains were identified inside the shop. Outside storm drains on the property lead to leaching rings. Leaching rings are located down slope of garage bay doors. A subtle oil sheen was identified in one of the leaching rings at the time of the Audit. The EPA, DEC and Town representatives also identified a cloudy white sheen in a leaching ring on the northwest corner of the site. A jar sample taken from the leaching ring did not have a distinguishing odor or appearance. The leaching ring was located down slope from a covered dumpster, which may have contributed to the sheen. Sinks in the repair shop drain to the Suffolk County sewer system.

Parks and Recreation Yard

The Parks and Recreation Yard is located on South Technology Drive next to the Central Islip Highway / DPW Yard located at 275 Carleton Avenue in Central Islip. Mr. Colgan, Mr. Clifton, and Mr. Edward Smith, Deputy Commissioner of Parks, were present at the time of the site visit. EPA performed a walk-through of the Parks Yard and identified various debris piles and stockpiles. Debris piles included discarded wood and metal picked up by the Town (residents are not permitted to drop off unwanted items at the Parks Yard). Stockpiles were located on a concrete pad and included sand, mulch, and topsoil. Open dumpsters were also identified on-site that contained asphalt, trash, wood and brush. EPA performed a walk-through of a storage shed and found various equipment, bags of "ice-melter," grass seed, a concrete mixer, etc., all of which were not exposed to stormwater. There were no floor drains identified in the storage shed. Dried road paint drippings in the back of the yard were identified by EPA during the site visit and subsequently removed by the Town prior to the close of the Audit. Photograph documentation of the removed paint drippings was provided to EPA. Discarded metal was also identified in a vegetated area in the back of the yard.

Review of aerial photographs indicated that Champlin Creek is located approximately 430 feet south of the site; however, EPA could not identify the Creek or any neighboring waterbodies at the time of the Audit. EPA did not observe a flow path or sediment loss off the site at the time of the Audit. EPA also did not identify any drains outside at the Parks Yard. At least three (3) floor drains were identified in the Parks Yard building, the destinations of which were unknown to Town representatives during the Audit. According to Mr. Smith, no maintenance work is conducted at the Parks Yard. During the Audit, Town representatives explained that the Parks Yard would be moving from its current location to the Sayville Highway Yard in January 2013. EPA advised the Town to ensure that it continues to refrain from conducting maintenance activities in the Parks Yard building unless floor drains are sealed. At least one (1) sink at the back of the Parks Yard building used for hand-washing discharges to a dry well buried in the back of the building. EPA instructed the Town to stop using the sink for hand-washing and to use the bathroom sink, which reportedly drains to a cesspool, instead.

EPA did a walk-through of the old DPW maintenance building, which is located next to the Parks building and is used essentially as a supply room. The sinks in the maintenance building reportedly discharge to a cesspool. Trench drains (2) in the center of the garage reportedly discharge to a dry well. A small floor drain was identified in an old shower room being used to store various buckets, 55-gallon drums, as well as gas and paint cans. The destination of the shower drain was unknown to Town representatives at the time of the Audit. Two (2) catch basins were identified in the garage on-site that appeared to be dry wells; however, their destination could also not be confirmed during the Audit. Town representatives stated that the garage is used for light carpentry, and it did not appear to be heavily utilized. These facilities will also no longer be used by the Town upon the move to the Sayville Highway Yard in January 2013.

Central Islip Highway Yard

The Central Highway Yard is located at 275 Carleton Avenue. EPA and the DEC were accompanied by Mr. Colgan and Mr. Clifton during the site visit. EPA identified orange peel grapples stored at the facility as well as a large pile of grapple and street sweeper contents, which had been emptied out at the yard to dry before transfer to the landfill. It was reaffirmed that Vactor trucks go directly to the landfill and are not emptied out at the Highway Yard. A large salt barn was observed by EPA, which, according to Town representatives, can store up to 12,000 tons of salt. All salt was contained inside the barn at the time of the Audit. Stockpiles including RCA, top soil, crushed stone and sand were also identified by EPA during the Audit.

There is no maintenance conducted at the Central Islip Highway Yard. There are two (2) underground fueling tanks located at the Central Islip Highway Yard, one (1) diesel and one (1) gasoline with capacities of approximately 10,000 gallons and 5,000 gallons, respectively. Minimal fuel staining was observed by EPA on the pavement next to the uncovered fueling station. Spill kits were not identified by EPA at the Central Islip Highway Yard at the time of the Audit.

Islip Recycling Center

The Town recycling center is located on Lincoln Avenue in Holbrook. Mr. Colgan, Mr. Clifton, and Mr. Eric Hofmeister were present at the time of the site visit. According to Mr. Hofmeister, approximately forty (40) truckloads of bottles and other recyclables are dropped off at the facility daily, or approximately 180-200 tons. Trucks carrying recyclables are weighed on the way in and out of the facility. All recyclable material is kept under cover, and fluids from the processing area are collected in a 300-gallon holding tank. Tank contents are disposed of at the Bergen Point sewage treatment facility.

Residents drop off used oil daily to the designated area located outside of the recycling facility. At the time of the Audit, the area appeared clean and was free of staining. Used oil is picked up by an outside company once a week. Designated areas for batteries, e-waste, and other household hazardous materials are available at the facility and are located under cover.

There is a small mechanic shop located indoors at the recycling facility. At the time of the Audit, various 55-gallon drums, 10-gallon buckets and other containers were observed inside the mechanic shop, some of which were stored on pallets and some that were not. Staining was observed on some areas of the shop floor. Used oil from the mechanic shop at the recycling facility is stored in an approximately 175-gallon tank.

At least eight (8) floor drains were identified in an older portion of the facility that dates back to the 1970s. The floor drains were located primarily in walk-way areas that appeared to have a low potential for exposure to pollutants. The floor drains reportedly discharge to the recharge basin behind the recycling facility. At least two (2) floor drains in the mechanic shop also discharge to the recharge basin, along with stormwater that overflows from dry wells situated in the back of the facility and in front of the truck loading area. Sump pumps transport excess

stormwater (and any discharges from floor drains) to the recharge basin. The slopes of the basin were not vegetated, and erosion was observed in the basin during the Audit.

Speedy dry was available at the facility for spill clean-up.

Sayville Highway Yard

The Sayville Highway Yard is located on Veterans Memorial Highway in Holbrook. EPA and the DEC were accompanied by Mr. Colgan, Mr. Clifton and an employee at the Sayville Highway Yard during the site visit. Storm drains at the facility drain to either dry wells onsite or a recharge basin off site. There is a trench drain located in the garage, which is closed on both ends and is reportedly cleaned out monthly. EPA identified a sink in the garage with piping that was connected to a storm gutter on the outside of the garage. Town representatives stated that the sink and gutter likely drain to a recharge basin. During the site visit, Mr. Clifton stated that they would remove the sink connection. The sink was removed entirely prior to the close of the Audit, and photo documentation was provided to EPA.

A waste oil tank was identified outside the garage with secondary containment. The Town makes brine at the Sayville Highway Yard and tracks, by computer, the amount of brine that is made and leaves the yard, which was observed by EPA during the Audit. There is a 10,000-gallon underground diesel fuel tank at the facility as well as a 5,000-gallon underground gasoline tank.

EPA identified a small pile of street sweeping contents at the Sayville Highway Yard, as well as small stockpiles of coal patch, sand, topsoil, RCA, and reject stone. Salt and sand were adequately contained in two (2) domes in the yard.

Speedy dry was available for spill clean-up at the facility at the time of the Audit and was located inside the garage.

Bay Shore East and West Highway Yards

The Bay Shore East Highway Yard is located at 161 2nd Avenue in Bay Shore, and the Bay Shore West Highway Yard is located across the street at 60 Rhodes Avenue in Bay Shore. Mr. Colgan, Mr. Clifton and Bay Shore Highway Yard employees accompanied EPA and DEC during the site visit.

Heavy vehicle repairs are conducted at the Bay Shore East Highway Yard. In the heavy vehicle repair shop, EPA observed 55-gallon drums stored on pallets, drip pans placed under vehicles undergoing repair, and speedy dry in use. Town representatives stated that an outside company, Planet Recovery, picks up used speedy dry and rags. EPA also observed a 280-gallon used oil tank with secondary containment inside the garage. Sinks in the garage drain to the County sewer line. Floor drains in the garage were reportedly filled in approximately twenty (20) years ago. There were 1,000-gallon tanks of waste oil, transmission fluid, hydraulic oil, engine oil, and a ~500-gallon tank labeled antifreeze located outside the garage, covered by an overhang and within concrete secondary containment. A site representative stated that the antifreeze tank is no longer used and believed that the tank was empty.

EPA identified a hand-washing sink in the welding shop located at the Bay Shore East Highway Yard that discharged to dry wells in the parking lot. The sink was removed the same day, and photo documentation was provided to EPA by Mr. Clifton prior to the close of the Audit.

Dry wells in the parking lots of both the Bay Shore East and West Highway Yards contained Fabco filter inserts, which are used to intercept fuel and oil residues. The Fabco inserts are reportedly cleaned out quarterly. Some fuel and/or oil staining was observed on the surface of the parking lot in the Bay Shore East Highway Yard.

In an outdoor area near the northwest corner of the Bay Shore East Highway Yard, EPA identified four (4) 55-gallon drums of antifreeze, batteries, unchained tanks of liquefied petroleum gas, and hotboxes with dried asphalt on the outside. EPA stated to Town representatives that these materials should not be exposed to stormwater and that tanks should be chained or otherwise secured. Batteries were removed by the Town prior to EPA leaving the site.

There are two (2) 10,000-gallon underground diesel tanks and one (1) 5,000-gallon underground gasoline tank located at the Bay Shore West Highway Yard. The pavement near the uncovered fueling station appeared to be minimally stained. There was no spill kit at the fueling station, but speedy dry was observed inside the Bay Shore West garage. All but one (1) catch basin in the Bay Shore West Highway Yard appeared to drain to dry wells. The catch basin closest to the fueling station contained a Fabco filter insert. One (1) curbside catch basin/inlet on the east side of the Bay Shore West Highway Yard appeared to drain off site. The destination of the drain could not be confirmed at the time of the Audit; however, it appeared to drained south in the direction of surface waters. The drain is located in an area that is generally removed from activity at the site and potential for exposure to pollutants. EPA told Town representatives that they should be aware of the inlet and to refrain from conducting activity at or near the catch basin.

Two (2) 5,000-gallon brine tanks are located at the Bay Shore West Highway Yard, as well as a salt/sand barn. The wooden overhang on the barn was broken resulting in a small area at the base of the salt/sand pile being exposed to stormwater. A dry well is located down slope of the salt/sand barn.

There was a pile of street sweeping contents located at the Bay Shore West Highway Yard, which Town representatives stated is hauled out to the landfill once per month. A trail of dirt was identified by EPA coming from the street sweeping debris pile and leading to a dry well that did not have a Fabco filter insert. During the Audit, EPA advised Town representatives that the stock pile be moved further from the dry well, or that a berm be installed between the pile and the dry well so that there is less potential for pollution from the pile to reach the groundwater.

EPA also identified small, uncovered stock piles of coal patch, top soil, and reject stone in the back (west side) of the Bay Shore West Highway Yard.

During the Audit, a trickling pipe was identified in one of the dry wells, which Town representatives believed to be drainage from the roof of the garage. A Bay Shore Highway Yard

employee climbed up to the roof of the garage during the Audit and took a photograph documenting the suspected roof drain with water pooled around the drain.

Bay Shore Marina and Nicky's on the Bay

The Town owns and maintains the Bay Shore Marina, located at 150 South Clinton Street in Bay Shore, which consists of a beach, water park, docks, parking spaces, and restrooms. The Town leases out an area at the end of the marina to "Nicky's on the Bay," a restaurant, bait and tackle shop, and fueling station. No maintenance work is conducted at the facility. There is a 10,000-gallon gasoline tank and 4,000-gallon diesel fuel tank at Nicky's on the Bay. Both fuel tanks are double-walled underground tanks and are monitored daily. The area around the fuel pumps appeared to be clean at the time of the Audit and was not noticeably stained with fuel. A Nicky's employee, Mr. Kim Chlandra, indicated that absorbent pads would be used to clean up small spills and stated that if there was a large spill, he would call for assistance. Currently, Nicky's on the Bay patrons and employees use portable toilets in a trailer behind the restaurant. During the Audit, EPA observed a Nicky's employee pouring bleach onto and power washing the outdoor seating area into the immediately adjacent water body. EPA told Mr. Chlandra and Town employees that bleach should be properly diluted per the directions for use written on the bottle to ensure the concentration of bleach entering the waterway is not harmful.

Restrooms at the Bay Shore Marina, which are maintained by the Town, are hooked up to the County sanitary sewer.

EPA and DEC observed a man feeding the waterfowl in the parking lot at the marina.

Maple Avenue Dock

The Maple Avenue Dock is located at 130 Maple Avenue in Bay Shore. According to Town representatives, the pump-out station located on the dock is emptied between three (3) and four (4) times a week by a cesspool service truck. When the station reaches capacity, it shuts off and will not accept additional pumping. Trash was observed by EPA along the dock where commercial vessels are moored. Town representatives stated that the dock will be rebuilt in the winter (2012-2013).

F. Annual Report Review

As required by Part V.A of the Permit, the Town must conduct an annual evaluation of its program compliance, the appropriateness of its identified BMPs, meeting new permit requirements, and progress towards achieving its identified measurable goals, which must include reducing the discharge of pollutants to the maximum extent practicable (MEP). Where the evaluation shows that the SWMP Plan is not reducing discharges to the MEP, the SWMP Plan shall be revised. Town representatives stated that evaluation of program compliance is based primarily off of visual observations, as well as water quality monitoring results from Suffolk County. In addition, the Town is trying to incorporate a data management system in GIS to better evaluate their progress. For measurable goals, the Town focuses on recommendations and improvement projects described in the Watershed Management Plans. Town representatives

stated that the SWMP Plan and BMPs have been altered based on program evaluation; however, this typically takes place informally through department heads and has not been reflected in the SWMP Plan document.

The annual report is completed each year by Mr. Colgan, who compiles the report based on data provided by the department heads. As required by Part V.C.1 of the Permit, annual reports must be received by the NYSDEC no later than June 1 of each reporting year. As detailed in the table below, the annual report was submitted late to the NYSDEC in reporting years 2007 through 2012:

Reporting Year	Date Submitted	# of Days Late (reports due June 1st of each reporting year)
2007	June 27, 2007	26
2008	July 7, 2008	36
2009	August 25, 2009	85
2010	August 27, 2010	87
2011	June 30, 2011	29
2012	July 11, 2012	40

Mr. Colgan explained that reports have been submitted late due to a delay in obtaining information from the Town department heads and the Town's intent to submit complete and accurate data.

According to Town representatives, the annual report is posted on the internet concurrently with the submittal to NYSDEC; any comments received from the public would be forwarded to the NYSDEC at a later date. Town representatives were not aware of any public comments received on any of the annual reports.

4. POTENTIAL VIOLATIONS, AREAS OF CONCERN & RECOMMENDATIONS

A. Stormwater Management Program (SWMP), Management Structure and Effectiveness

i. Potential Violation

- a. Part IV.D of the Permit requires all permittees to fully implement their SWMP. In accordance with Part X of the Permit, a SWMP needs to include *measurable goals* for each of the BMPs. In addition, measurable goals are included as required documentation in the Part X definition of SWMP Plan. At the time of the Audit, the Town failed to develop and include in its 2012 SWMP Plan measurable goals for the following MCMs: MCM 2 - Public Involvement / Participation; MCM 3 - Illicit Discharge Detection and Elimination; MCM 5 - Post-Construction Stormwater Management; and MCM 6 - Pollution Prevention/Good Housekeeping for Municipal Operations.

ii. Area of Concern

- a. In accordance with Part III.B.1 of the Permit, by *January 8, 2013*, covered entities must assess potential sources of discharge of stormwater POC(s), identify potential stormwater pollutant reduction measures, and evaluate their progress in addressing the POC(s). Covered entities must evaluate their SWMP with respect to the MS4's effectiveness in ensuring there is no net increase discharge of stormwater POC(s) to the impaired waters for storm sewershed that have undergone non-negligible changes such as changes to land use and impervious cover greater than one acre, or stormwater management practices during the time the MS4 has been covered by the MS4 Permit. This assessment shall be conducted for the portions of the small MS4 storm sewershed that discharge to the listed waters (see Appendix 2). The assessment shall be done using Department supported modeling of pollutant loading. At the time of the Audit, the Town had not formally assessed the potential sources of discharge of stormwater POCs to the waterbodies listed in Appendix 2.

B. MCMs 1 & 2 – Public Education, Outreach, Involvement and Participation

i. Potential Violation

- a. In accordance with Part VII.A.2.d of the Permit covered entities must, *prior* to submitting the final annual report to the NYSDEC by June 1 of each reporting year, present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done at a public meeting or on the internet, per the requirements listed in Part VII.A.2.d.i of the Permit. According to Town representatives, the draft annual report is not made available to the public prior to submitting the final annual report and is posted on the internet concurrently with the submittal to NYSDEC.

ii. Area of Concern

- a. Although the Town had not received any public comments on its annual reports at the time of the Audit, because the Town has made its annual report available to the public concurrently with its submittal to NYSDEC, any comments received from the public would be forwarded to the NYSDEC at a later date. Covered entities are required to submit a summary of any comments received and (intended) responses with the annual report submittal, as required by Part V.C.2.c of the Permit.

iii. Recommendation

- a. The Town's current SWMP Plan includes a table identifying various outreach materials distributed by the Town and the *impacts of stormwater discharges, POCs and their sources, and steps contributors can take to reduce pollutants* described in each. It is recommended that the table be updated to include more detail to better reflect the content of the educational materials provided by the Town; i.e., where the table indicates "various", it should be revised to include the actual impacts of stormwater discharges, the actual POCs and their sources, and the actual steps contributors can take to reduce pollutants described in the educational resource.

C. MCM 3 – Illicit Discharge Detection and Elimination

i. Potential Violations

- a. In accordance with Part VII.A.3.b.ii of the Permit, by March 9, 2010, all covered entities must develop and maintain a map showing the preliminary boundaries of the covered entity's storm sewersheds have been determined using GIS or other tools, even if they extend outside of the urbanized area (to facilitate track down), and additionally designated area within the covered entity's jurisdiction. At the time of the Audit, the Town had not mapped its storm sewersheds.
- b. Part VII.A.3.g of the Permit requires covered entities to develop and implement a program to detect and address non-stormwater discharges to the small MS4. The program must include, but is not limited to, the following: available equipment; procedures for identifying and locating illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions. The Town's SWMP Plan does not include the following information, required of a written IDDE program, in accordance with the MS4 Permit: available equipment; procedures for identifying and locating the source(s) of illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions.

ii. Area of Concern

- a. In accordance with Part VII.A.3.e of the Permit, covered entities are required to map new outfalls as they are constructed or newly discovered within the urbanized area and additionally designated area. At the time of the Audit, EPA identified one (1) potentially unmapped outfall on Idle Hour Boulevard and a catch basin that appeared to discharge to a creek that drains to the Connetquot River. At the time of the Audit, the outfall could not be identified due to high tide.

iii. Recommendation

- a. It is recommended that the Town updates its SWMP Plan to include written procedures for dry weather monitoring and outfall reconnaissance to be utilized by Town employees and/or summer interns.

D. MCMs 4 & 5 – Construction, Post Construction

i. Potential Violations

- a. As required by Part VII.A.4.a.i of the Permit, all covered entities must develop, implement and enforce a program that provides equivalent protection to the NYSDEC Construction General Permit (“CGP”). At the time of the Audit, the Town’s MS4 program did not have a mechanism to ensure that sites requiring CGP coverage submit an NOI and receive acknowledgement from the NYSDEC verifying coverage prior to the start of construction activity.
- b. As required by Part VII.A.4.a.ix of the Permit, all covered entities must develop, implement and enforce a program that describes procedures for site inspections and enforcement of erosion and sediment control measures, which includes determining that it is acceptable for the owner or operator of a construction project to submit the Notice of Termination (NOT) to the NYSDEC by performing a final site inspection themselves or by accepting the Qualified Inspector’s final inspection certification(s) required by the NYSDEC CGP. The principal executive officer, ranking elected official, or duly authorized representative shall document their determination by signing the “MS4 Acceptance” statement on the NOT. At the time of the Audit, the Town’s MS4 program did not contain a mechanism that ensures that the “MS4 Acceptance” statement is signed by a qualified individual on the NOT. The SWMP Plan must also be updated to include procedures for a final inspection and signing the MS4 acceptance statement on the NOT.
- c. As required by Parts VII.A.4.a.vii and VII.A.4.a.ix of the Permit, the covered entity must ensure that individuals performing SWPPP reviews and site inspections are adequately trained and understand the State and local sediment and erosion control requirements. Adequately trained means receiving inspector training by a NYSDEC sponsored or approved training. At the time of the Audit, the Town’s MS4 program did not include a mechanism for tracking or documenting training completed by Engineering Department SWPPP reviewers and inspectors.
- d. As required by Part VII.A.4.b.ii of the Permit, covered entities are required to report on the number and type of enforcement actions at construction sites. Based on review of annual reports and documentation of stop-work orders provided by the Town during the Audit, the annual reports for 2009 and 2010, which indicate

that zero (0) stop-work orders had been issued, do not accurately reflect the enforcement activity of the Town during those years.

- e. As required by Parts VII.A.5.e.iv and VII.A.5.e.v of the Permit, covered entities are required to report on the number and type of post-construction stormwater management practices inspected and maintained. Based on review of the annual reports and discussion with Town representatives during the Audit, the number of post-construction controls inspected and maintained has not been accurately reported. The Town should track all inspection and maintenance activities associated with recharge basins and not only those resulting from complaints so that it may accurately report post-construction activities in its annual reports.

ii. Areas of Concern

- a. Part VII.A.4.a.vii of the Permit requires that covered entities develop, implement and enforce a program that describes procedures for SWPPP review with consideration of potential water quality impacts and review of individual SWPPPs to ensure consistency with State and local sediment and erosion control requirements. While the Town's SWMP Plan describes some of the SWPPP review and approval process, the process is more greatly detailed in the Town's SLDR. The Town's SWMP Plan should be updated to clearly indicate that procedures for SWPPP review can be found in the Town's SLDR. If a checklist is used by SWPPP reviewers, it should also be referenced in the SWMP Plan.
- b. The SLDR should be updated to include the most recent version of the site plan checklist.
- c. The Town's SWMP Plan should be updated to include greater detail with regard to the Town's procedures for conducting inspections at construction sites in order to more accurately reflect the activity of the Town Engineering Department. The SWMP Plan should include a minimum frequency at which construction sites are inspected by the Town and should include the Town's protocol for inspecting sites after rain events. If a checklist is used by Town inspectors, the SWMP Plan should reference the checklist so that it may be easily identifiable.
- d. The construction site inspection checklist provided to EPA at the time of the Audit should be updated to include whether the construction site operator has submitted an NOI and has active permit coverage, and whether construction site operators / inspectors have adequate training.

iii. Recommendations

- a. It is recommended that the Town's SLDR be revised for clarity and list, as a component of the required data for Preliminary Plat Approval, Final Plat Approval, and Site Plan Approval, a SWPPP that meets the requirements listed in

the SLDR and Article 2 of the NYSDEC Sample Local Law. Part VII.A.4.a.iii of the Permit requires that covered entities develop, implement, and enforce a program that includes a law, ordinance or other regulatory mechanism to require a SWPPP for each applicable land disturbing activity that includes erosion and sediment controls that meet the State's most current technical standards and is equivalent to one of the versions of the "NYSDEC Sample Local Laws for Stormwater Management and Erosion and Sediment Control."

- b. EPA recommends, as a way to ensure that construction site operators submit an NOT in accordance with the NYSDEC CGP, that operators are required to copy the Town when they send the NOT (with signed MS4 acceptance statement) to the NYSDEC.
- c. It is recommended that the Town updates its SWMP Plan to reflect current maintenance procedures for recharge basins.
- d. It is recommended that the Town includes updating the inspection filing system as a measurable goal in the Town's SWMP Plan and annual reports.

E. MCM 6 – Good Housekeeping and Pollution Prevention

i. Potential Violations

- a. Part VII.A.6.a.ii of the Permit requires covered entities to, at a minimum frequency of once every three years, perform and document a self assessment of all municipal operations addressed by the SWMP to:
 - Determine the source of pollutants potentially generated by the covered entity's operations *and facilities*; and
 - Identify the municipal operations *and facilities* that will be addressed by the pollution prevention and good housekeeping program, if it is not done already.While the Town performed a self-assessment of its municipal operations in 2010, it did not determine sources of pollution at its municipal facilities, nor did the self-assessment identify facilities that are or will be addressed by the good housekeeping program.
- b. As required by Part VII.A.6.f.ii of the Permit, the Town must report on the pounds of phosphorus applied in chemical fertilizer, pounds of nitrogen applied in chemical fertilizer, as well as the number of acres of pesticides / herbicides applied. Based on review of annual reports from 2009 through 2012, the Town indicated zero (0) pounds / acres for the parameters listed above from 2010 through 2012. The Town must report on actual fertilizer and pesticide use, including application on its golf courses, in its annual reports.

ii. Areas of Concern

- a. The SWMP Plan should be updated to reflect the actual use of fertilizers and pesticides, i.e., fertilizers and pesticides are applied at golf courses only by licensed applicators, and are not used elsewhere on Town property.
- b. The SWMP Plan should be updated to include more detail with regard to the employee pollution prevention and good housekeeping training program, including how the Town ensures its staff receives and utilizes training, and the frequency at which staff members are trained.
- c. During the field portion of the Audit, EPA identified a sink in the back of the Parks Department building reportedly used for hand-washing that drains to a dry well. As discussed with Town representatives during the Audit, the Town should stop using the sink for hand-washing (or for the discharge of any potential pollutant) and to use the bathroom sink, which reportedly drains to a cesspool, instead.
- d. During the field portion of the Audit, EPA identified floor drains in the Parks Department building and the old DPW maintenance building that Town representatives did not know the destination of, or believed drain to dry wells. During the Audit, Town representatives stated that no maintenance work was conducted in either building and that both buildings would be moving to the Sayville Highway Yard in January 2013. As discussed during the Audit, the Town should continue to refrain from conducting maintenance work in both buildings unless the drains are sealed.
- e. Good housekeeping measures should be practiced in all municipal buildings, including the mechanic shop at the Islip Recycling Center, which ultimately drains to a recharge basin. Although the mechanic shop is indoors and is not exposed to stormwater, drums and buckets containing fluids should be stored on spill pallets whenever possible, and staining to the floor of the building should be cleaned to the maximum extent possible to help limit the potential for pollution to the recharge basin.
- f. During the field portion of the Audit, EPA identified four (4) 55-gallon drums containing anti-freeze, unchained tanks of liquefied petroleum gas, and hot boxes with dried asphalt on the outside stored outdoors at the Bay Shore East Highway Yard. Such materials should be stored indoors when feasible, in order to eliminate exposure to stormwater and the potential for pollution to the waterways.
- g. During the field portion of the Audit, EPA identified a pile of street sweeping contents at the Bay Shore West Highway Yard located near an unprotected dry well. As discussed during the Audit, the stockpile should be moved further from the dry well, or a berm should be installed between the pile and the dry well to decrease the potential for pollution from the pile to the groundwater.

- h. During the field portion of the Audit, EPA observed that the overhang to the salt/sand barn at the Bay Shore West Highway Yard was broken, exposing a small area at the base of the salt/sand pile to stormwater. A dry well is located down slope of the salt/sand barn. The overhang should be repaired, or the pile should be moved further into the barn in order to limit exposure of the salt/sand to stormwater.
- i. As discussed during the Audit, bleach should be properly diluted per the directions written on the bottle to ensure the concentration is not harmful to the waterways it may enter.
- j. Accumulated trash at the Maple Avenue dock should be picked up so that it does not blow into the adjacent waterway. Installation of additional trash receptacles and signage at this location may help to encourage proper disposal of trash.

iii. Recommendations

- a. It is recommended that the Town install signage discouraging the feeding of waterfowl at locations where the Town observes residents feeding the waterfowl, for instance, the Bay Shore Marina.
- b. It is recommended that the Town incorporate the best management practices listed on the detailed Preventing Stormwater Pollution posters into the Good Housekeeping section of its SWMP Plan.
- c. It is recommended that the Town requires its staff to complete the pollution prevention and good housekeeping training program at least once per year.
- d. It is recommended that the Town track the amount of material collected during catch basin cleaning and street sweeping as it goes to the landfill so that the Town has more quantifiable data that it can use towards evaluating its progress towards achieving measurable goals.

F. Annual Reporting

i. Potential Violations

- a. In accordance with Part V.C.1 of the Permit, the annual report must be received by the Department's central office no later than June 1 of each reporting year. The Town's annual report has been late the past six (6) years, from 2007 through 2012.
- b. In accordance with Part V.C.3.b.iii, and embedded in the reporting requirements for each Minimum Control Measure, covered entities are required to include in

the annual report an assessment/evaluation of the identified measurable goals for each of the MCMs. Based on review of the Town's annual reports from 2009 through 2012, the Town frequently reports "N/A" for its measurable goal evaluation or provides the same assessment as the previous year. Selecting and tracking progress towards achieving measurable goals and reporting that progress is required by the Permit.

ii. Recommendation

- a. It is recommended that the Town incorporates recommendations included in this Audit report that could not be immediately addressed into its goals for the next reporting cycle in the 2013 annual report.

ATTACHMENT A

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**DRAFT AGENDA FOR MS4 AUDIT
TOWN OF ISLIP MS4
July 31, 2012 – August 2, 2012**

Tuesday, July 31, 2012	
10:00 – 10:30 am	Opening/Kick-off Conference
Introductions, overview of audit process, goals and benefits, review schedule <i>Location: TBD</i>	
10:30 am – 11:30 pm	Program Management, Agreements with Other Municipalities & SWMP overview
Review program management and agreements with other municipalities and entities <i>Location: TBD</i>	
11:30 am – 12:00 pm	Public Education and Outreach Program
Interview of appropriate staff and review records <i>Location: TBD</i>	
12:00 – 1:15 pm	LUNCH
1:15 – 3:00 pm	Pollution Prevention/Good Housekeeping
Interview of appropriate staff and review records, including review of SOPs <i>Location: TBD</i>	
3:00 – 4:30 pm	Illicit Discharge Detection & Elimination and MS4 Outfalls
Interview of appropriate staff and review records including review of ordinances, mapping, inspections and related enforcement <i>Location: TBD</i>	
Wednesday, August 1, 2012	
8:30 – 10:00 am	Construction and Post-Construction Site Stormwater Runoff Control
Interview of appropriate staff and review records, including review of SOPs and related enforcement; select active construction sites for later observation of compliance inspections <i>Location: TBD</i>	
10:00 am – 12:00 pm	Field Component for MS4 Maintenance Activities, MS4 Outfalls and Construction Stormwater Management
Inspection of Municipal Highway Garage, Municipal Yards, Vehicle Repair Facilities, Brine Making / Salt Storage Facilities, Parks, etc., observing facilities & maintenance work; observing MS4 staff as they conduct inspections at construction sites (mix of both public and private, small and large sites, residential and commercial, etc.); and inspection of MS4 outfalls <i>Locations: TBD</i> <i>**please note that we can intersperse MS4 maintenance, MS4 outfall and construction activities throughout the day depending on location of the sites**</i>	
12:00 – 1:30 pm	LUNCH
1:30 – 4:30 pm	Field Component – continued
<i>Locations: TBD</i>	
Thursday, August 2, 2012	
8:30 am – 12:00 pm	Complete field work and outstanding interviews and review additional records (if any)
Interview of appropriate staff and review records <i>Location: TBD</i>	
12:00 – 1:30 pm	LUNCH & Internal Discussion
1:30 – 2:30 pm	Closing Conference (tentative)
<i>Location: TBD</i>	

ATTACHMENT B

ATTACHMENT B

Materials provided by the Town and NYSDEC prior to the Audit and reviewed by EPA:

1. Written response from the Town to the information requested by EPA in its June 13, 2012 notification letter;
2. A copy of the Town's NOI and Acknowledgement Letter from NYSDEC to gain coverage under the Permit;
3. A copy of the Town's SWMP Plan, revised 2012;
4. An organizational chart showing departments and personnel responsible for implementing MCMs;
5. A copy of the contract between the Town and Cornell Cooperative Extension of Suffolk County for initial outfall scoping and dry weather flow monitoring;
6. Dry weather flow monitoring results (Excel spreadsheet);
7. A copy of the Town's IDDE ordinance;
8. Electronic maps showing the Town's receiving water bodies, labeled stormwater outfalls and street names;
9. A list of stormwater outfalls with the outfall ID, watershed and GPS coordinates;
10. A list of active construction sites at the time of the audit;
11. A list of Town facilities; and
12. Annual reports from 2009 through 2012.

ATTACHMENT C

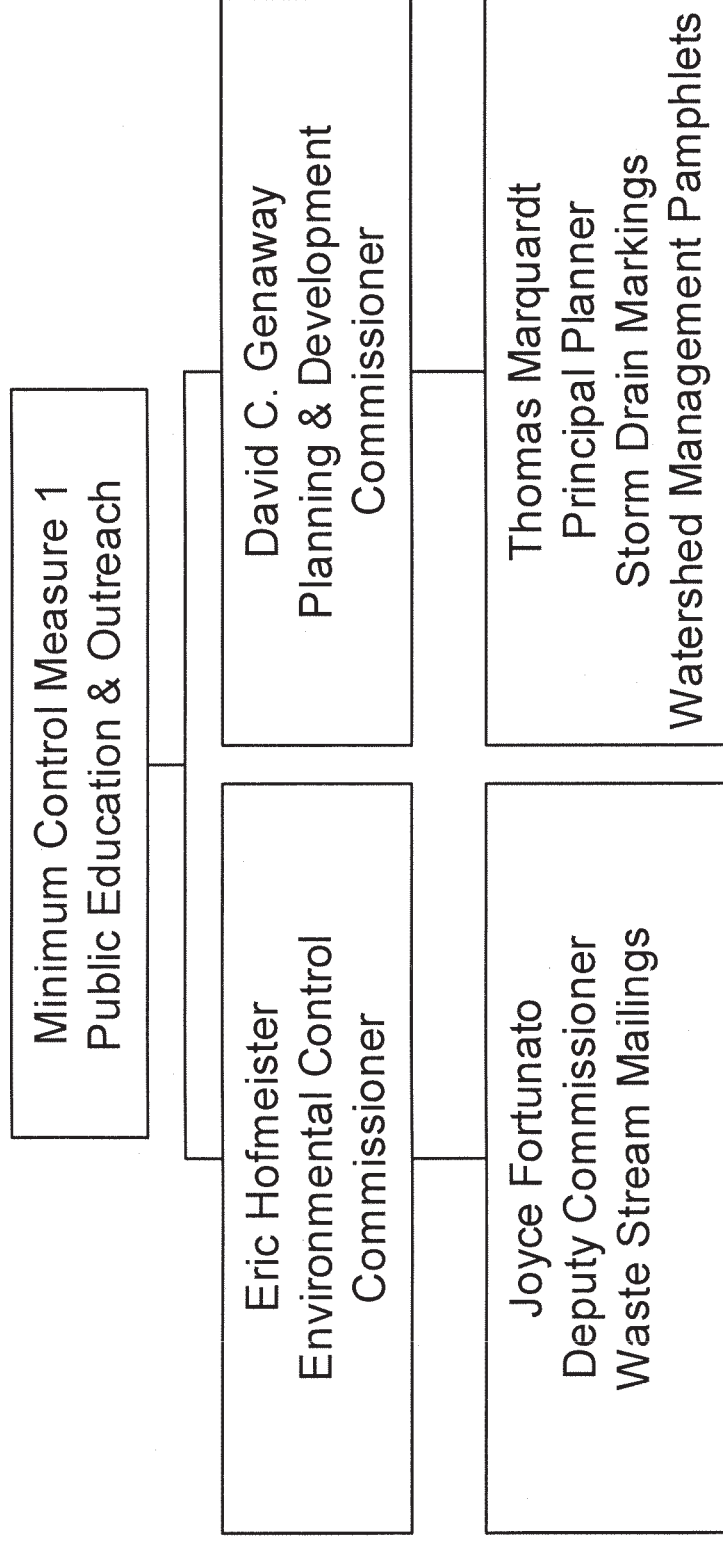
ATTACHMENT C

Materials provided by the Town during and after the Audit:

1. Islip 2012 Recycling Calendar, with information on STOP days, Earth Day, and drop-off locations for e-waste, batteries, waste oil, yard waste and household hazardous waste, ;
2. A pamphlet on storm drain markers;
3. A copy of the Town-generated pamphlet and educational resource titled, "A Resident's Guide to Effective Stewardship of the Green's Creek and Brown's River Watersheds;"
4. A copy of the NYS Department of State and Town funded pamphlet for residents titled, "A Resident's Guide to Keeping Great Cove... Great!"
5. The 2012 Spring STOP Program pamphlet;
6. South Shore Estuary Reserve Council pamphlet on ways homeowners can protect the South Shore Estuary Reserve;
7. Final draft of the Town of Islip Great Cove Watershed Management Plan (CD copy provided);
8. Copies of Stop Work Orders for construction sites from 2007 through 2012;
9. A copy of the Town of Islip DBE Engineering Inspection Form;
10. Copies of posters posted at Town facilities titled, "Preventing Storm Water Pollution: What We Can Do" (activity specific posters provided for Materials Storage and Spill Cleanup, Streets and Drainage Maintenance, Fleet Maintenance, and Solid Waste Operations);
11. A list of complaints for 2011 and 2012 regarding overgrown recharge basins requiring maintenance;
12. A list of complaints for 2011 and 2012 regarding catch basins in need of maintenance;
13. An example DPW service order with a resident's request to clean out a clogged basin;
14. Street sweeping records from January 2011 through the date of the Audit;
15. A copy of the Storm Watch Municipal Storm Water Pollution Prevention Employee Quiz given to Town employees;
16. Pages copied out of a drainage contract that included language on conforming to NYSDEC permits;
17. The Town of Islip Consolidated Refuse and Garbage District 2005 to 2012 Solid Waste Collection Contract Bid Package;
18. Photographic documentation of removal of the sink at the Sayville Highway Yard;
19. Photographic documentation of removal of the sink at the Bay Shore East Highway Yard; and
20. Photographic documentation of removal of the road paint drippings identified in the back of the Parks and Recreation Yard.

ATTACHMENT D

Town of Islip Phase II Municipal Separate Storm Sewer System Program



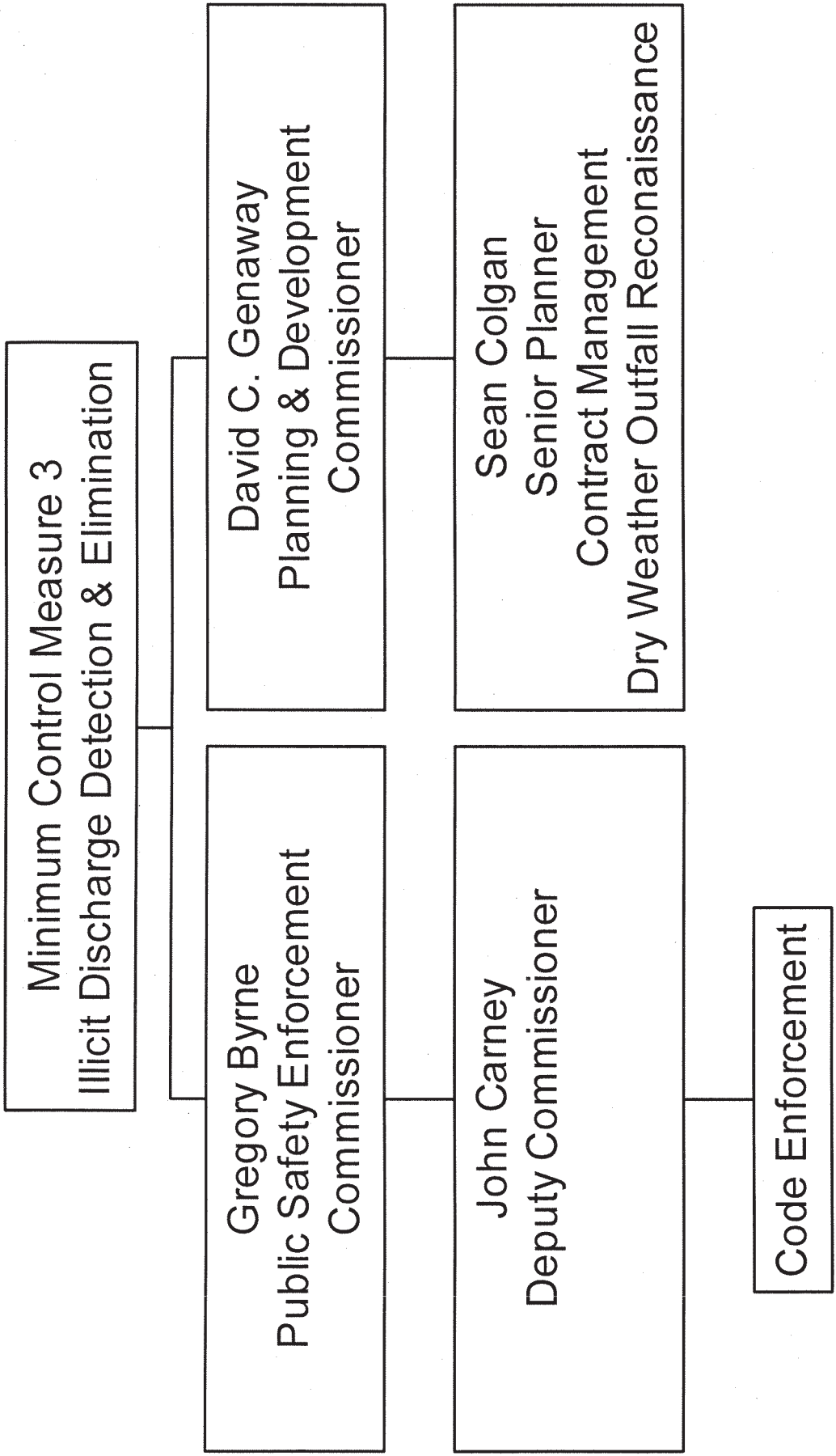
Minimum Control Measure 2
Public Involvement/Participation

Nancy Cochrane
Keep Islip Clean
Director

David C. Genaway
Planning & Development
Commissioner

Thomas Marquardt
Principal Planner
Watershed Management Plans

Sean Colgan
Senior Planner
Annual Report Preparation



Minimum Control Measure 4
Construction Site Stormwater Runoff Control

David Janover
Division of Engineering
Town Engineer

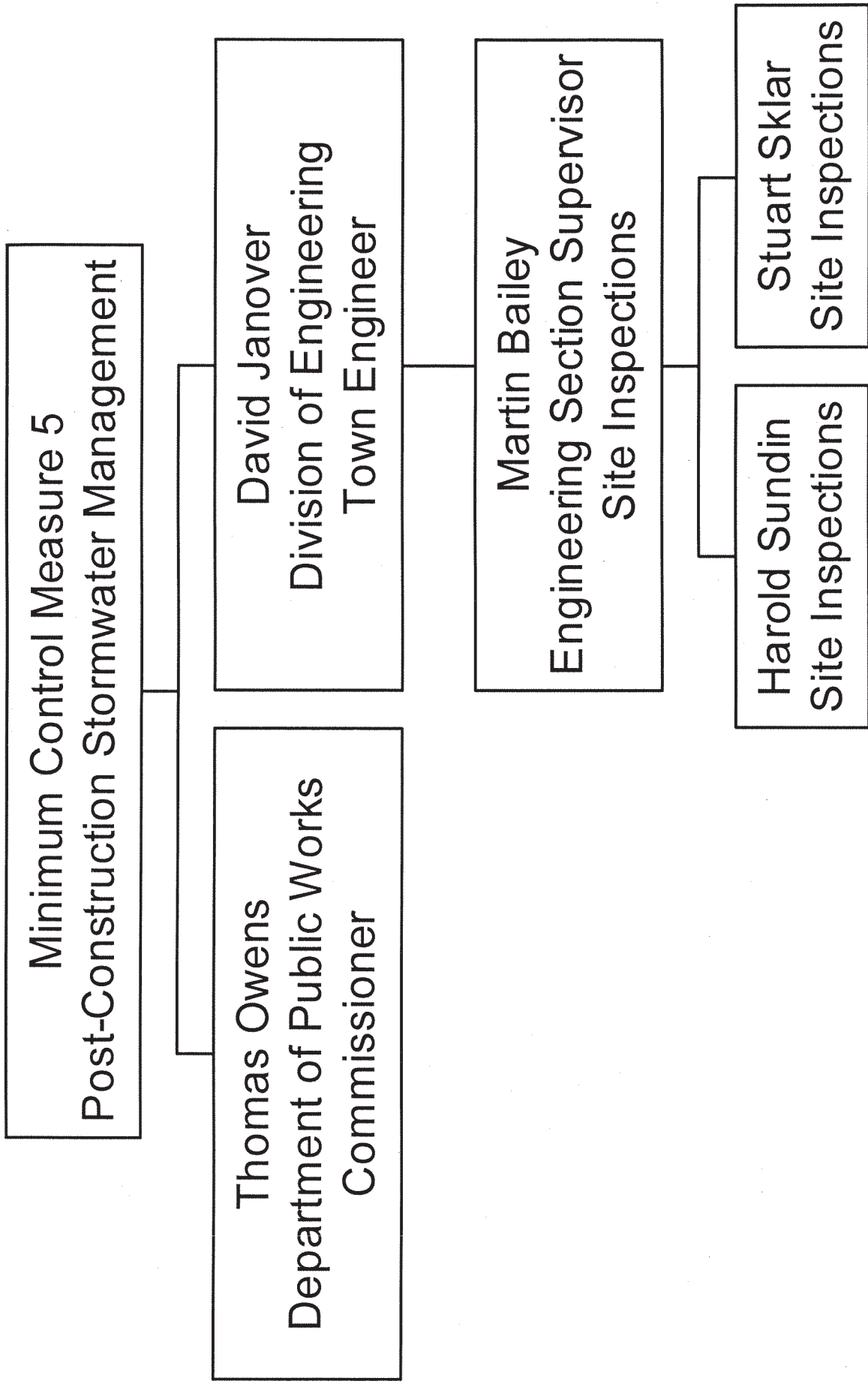
Martin Bailey
Engineering Section Supervisor
Construction Site Inspections

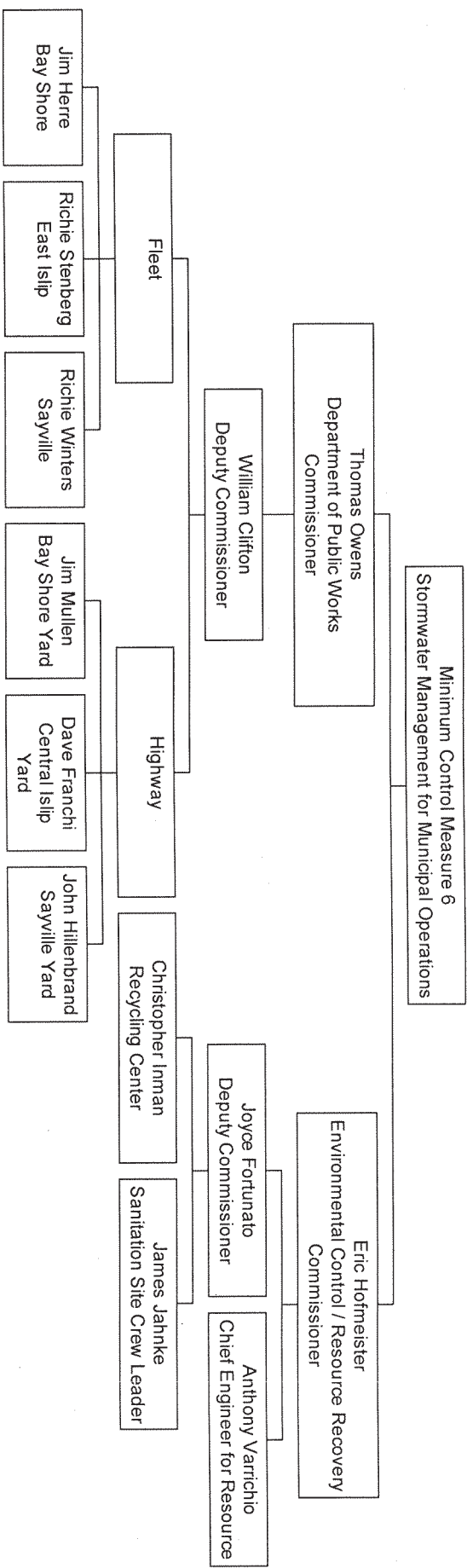
Vaidotas Bobelis
Senior Site Plan Reviewer
SWPPP Review

Deborah Geyer-Angel
SWPPP Reviewer

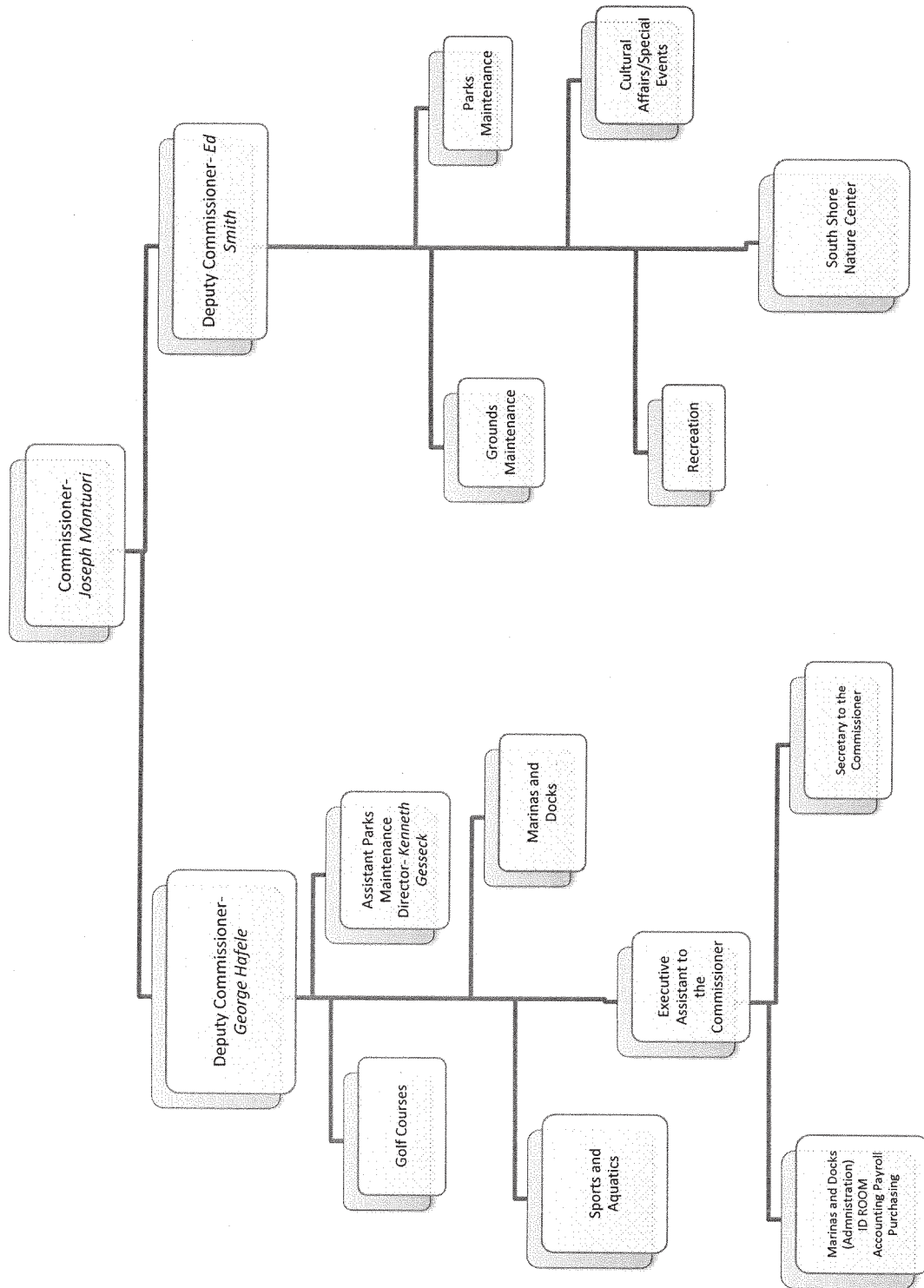
Harold Sundin
Construction Site Inspections

Stuart Sklar
Construction Site Inspections





The Parks and Recreation Organization Chart for Minimum Control Measure 6 is on the next page.



ATTACHMENT E



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IMG_0711.JPG



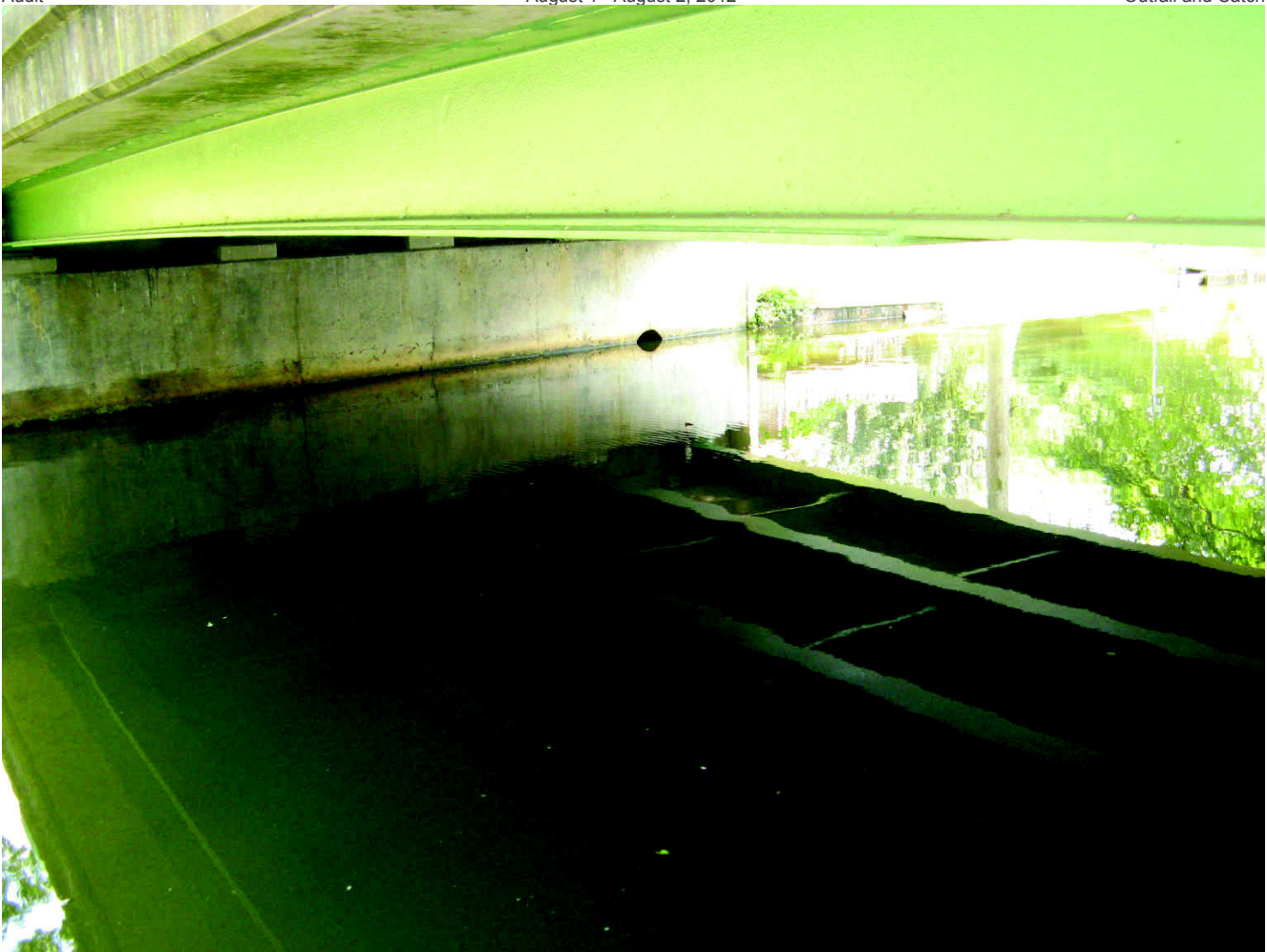
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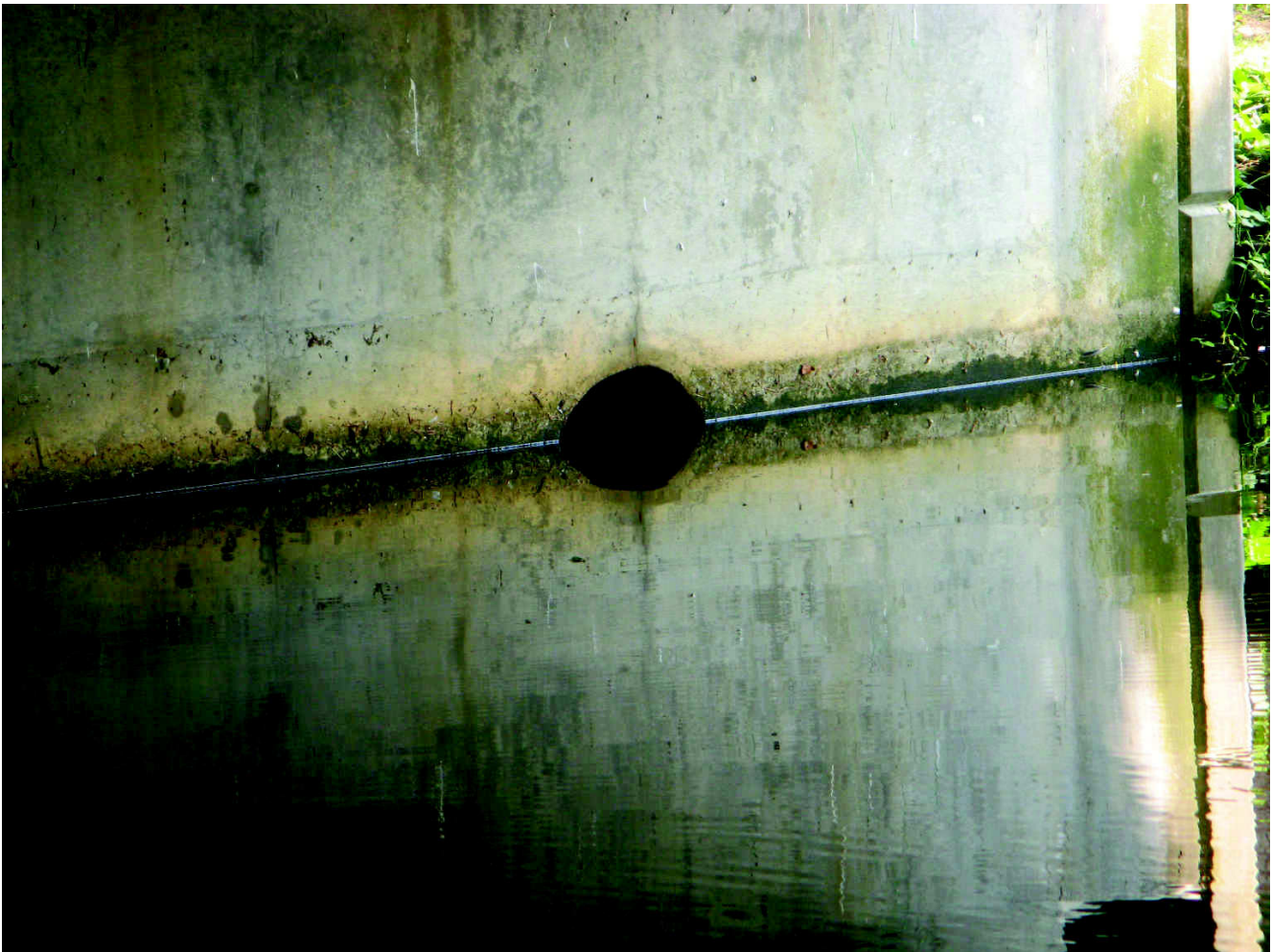
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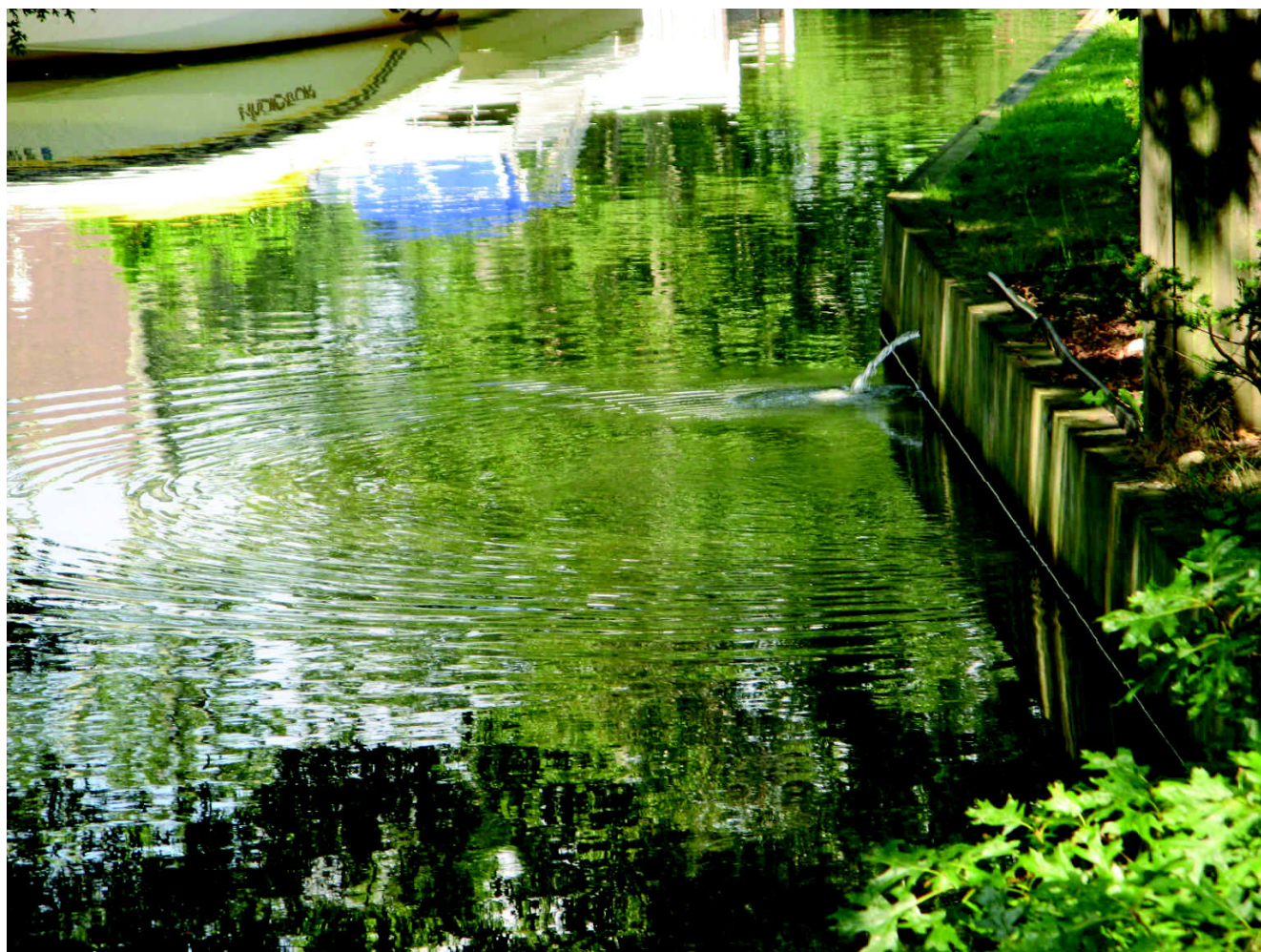
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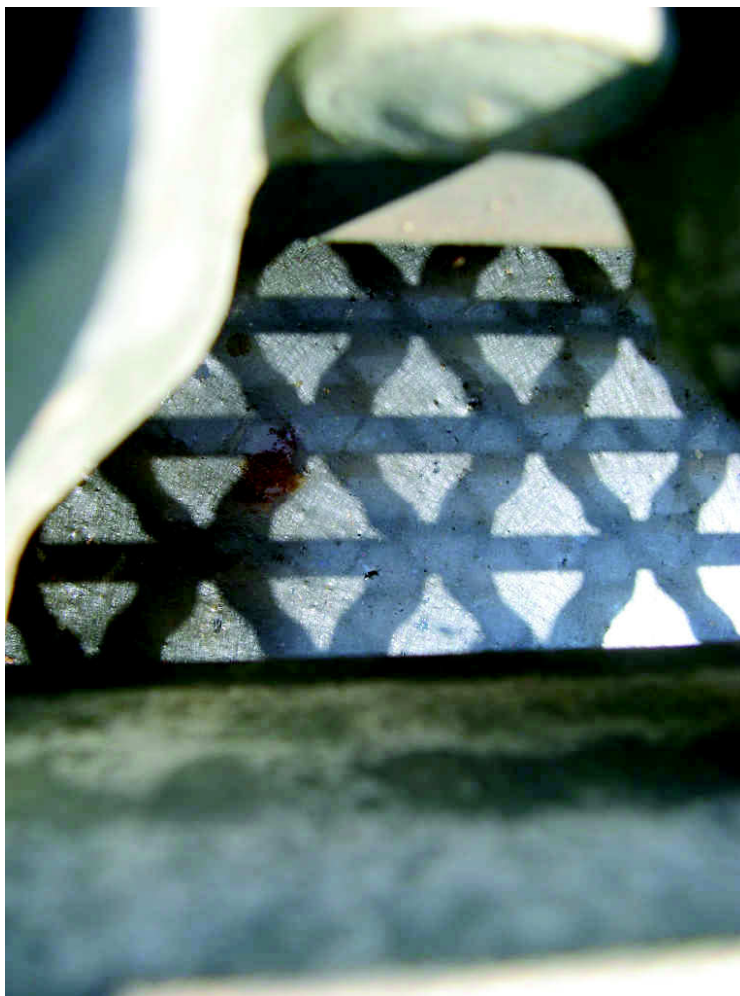
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